

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1011

AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 3-5-2-49.9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 49.9. (a) "Vote center" means a polling place where a voter who resides in the county in which the vote center is located may vote without regard to the precinct in which the voter resides.**

(b) This section expires December 31, 2009.

SECTION 2. IC 3-5-2-53 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 53. "Voting system" means, the following:**

(1) Before January 1, 2006, a combination of mechanical, electromechanical, or electronic equipment that is used to cast and count votes. The term includes the software and firmware required to program and to control the equipment. Equipment that is not an integral part of a voting system but that can be used as an adjunct to the system is considered to be a component of the system.

(2) After December 31, 2005, as provided in 42 U.S.C. 15481: **(A) (1) the total combination of mechanical, electromechanical, or electronic equipment (including the software, firmware, and documentation required to program, control, and support that**

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equipment) that is used:

- (i) (A) to define ballots;
 - (ii) (B) to cast and count votes;
 - (iii) (C) to report or display election results; and
 - (iv) (D) to maintain and produce any audit trail information;
- and

(B) (2) the practices and associated documentation used:

- (i) (A) to identify system components and versions of those components;
- (ii) (B) to test the system during its development and maintenance;
- (iii) (C) to maintain records of system errors and defects;
- (iv) (D) to determine specific system changes to be made to a system after the initial qualification of the system; and
- (v) (E) to make available any materials to the voter (such as notices, instructions, forms, or paper ballots).

SECTION 3. IC 3-5-4-1.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1.9. Except as otherwise provided in this title, the election division, an election board, a circuit court clerk, a county voter registration office, or any other official responsible for receiving a filing under this title may not receive a filing that is offered to be filed after a deadline for the filing provided by this title.**

SECTION 4. IC 3-5-4.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 4.5. Standards for Challenges to Voters

Sec. 1. This chapter applies to a challenge to a voter made by a precinct election officer, a watcher, a challenger, or a pollbook holder under this title.

Sec. 2. A person may not challenge the right of an individual to vote at an election in the precinct solely on the basis of the individual's:

- (1) enrollment in an educational institution; or
- (2) registration to vote at an address that is housing provided for students by the educational institution.

Sec. 3. Except as permitted in a primary election under IC 3-10-1, a person may not challenge the right of an individual to vote at an election in the precinct solely on the basis of the individual's:

- (1) actual or perceived affiliation with a political party; or

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(2) support or opposition to a candidate or the adoption of a public question.

Sec. 4. If a county election board determines that a person has violated a provision of this chapter, the board may remove a precinct election officer from office or void the credentials of a watcher, challenger, or pollbook holder.

Sec. 5. If a county election board determines that a person has knowingly violated a provision of this chapter, the county election board may refer the matter to the prosecuting attorney as a violation of IC 3-14-3-4 (obstruction of a voter).

SECTION 5. IC 3-5-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. ~~(a)~~ A person does not gain residency in a precinct into which the person moves for:

- (1) temporary employment;
- (2) educational purposes; or
- (3) other purposes;

without the intent of making a permanent home in the precinct.

~~(b)~~ Notwithstanding subsection ~~(a)~~, a precinct election officer, a watcher, a challenger, or a pollbook holder may not challenge the right of an individual to vote in the precinct solely on the basis of the individual's:

- (1) enrollment in an educational institution; or
- (2) registration to vote at an address which is housing provided for students by the educational institution.

~~(c)~~ A county election board may:

- (1) remove a precinct election officer or void the credentials of a watcher, challenger, or pollbook holder; or
- (2) refer the matter to the prosecuting attorney as a violation of IC 3-14-3-4 (obstruction of a voter);

if the board determines that the officer, watcher, challenger, or pollbook holder has violated subsection ~~(b)~~.

SECTION 6. IC 3-7-12-28.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 28.1. ~~(a)~~ This section applies after December 31, 2005.

~~(b)~~ **(a)** In addition to the reports required for the statewide voter file, the county voter registration office shall file a report with the election division not later than noon January 31 of each year.

~~(c)~~ **(b)** The report must include the following:

- (1) Any revisions to the county NVRA implementation plan adopted during the preceding year.
- (2) Other data prescribed by the division.

SECTION 7. IC 3-7-13-13 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) Except as provided in subsections (b) and (c), when an individual registers to vote, the individual must provide the individual's driver's license number issued under IC 9-24-11, as provided under 42 U.S.C. 15483.

(b) If an individual does not have a driver's license issued under IC 9-24-11, the individual must provide the last four (4) digits of the individual's Social Security number when the individual registers to vote, as provided under 42 U.S.C. 15483.

(c) ~~This subsection applies after December 31, 2005.~~ As required under 42 U.S.C. 15483, if an individual does not have a Social Security number, the election division shall assign the individual a number to be associated with the individual's registration in the computerized list maintained under IC 3-7-26.3. If the individual has an identification card number issued under IC 9-24-16, the election division shall assign that number as the voter's number under this subsection. If the individual does not have an identification card number issued under IC 9-24-16, the election division shall assign a unique identifying number to the voter's registration record in the computerized list, as provided under 42 U.S.C. 15483.

(d) The number provided by the individual under subsection (a) or (b), or the number assigned to the individual under subsection (c), is the individual's voter identification number.

(e) A voter's voter identification number may not be changed unless:

- (1) the voter made an error when providing the number when registering to vote;
- (2) the election division or a county voter registration office made an error when entering the number into the computerized list under IC 3-7-26.3;
- (3) the voter obtains or provides a driver's license number under IC 9-24-11 or a Social Security number after the voter was assigned a number under subsection (c); or
- (4) the voter ceases to have a driver's license number under IC 9-24-11 after the voter provided that number under subsection (a).

(f) If a voter transfers the voter's registration and the voter's voter identification number is not included in the voter's registration records, the voter registration officer of the county in which the voter's registration is to be transferred shall require the voter to provide the number required by subsection (a) or (b) before the voter's registration is transferred. If ~~after December 31, 2005,~~ the voter does not have either of the numbers described in subsection (a) or (b), a voter identification number shall be assigned to the voter under subsection

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(c).

SECTION 8. IC 3-7-14-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) An employee of the bureau of motor vehicles commission who provides an individual with a driver's license or identification card application shall do the following:

(1) Inform each individual who applies for a driver's license or an identification card that the information the individual provides on the individual's application will be used to register the individual to vote unless:

- (A) the individual is not eligible to vote;
- (B) the individual declines to register to vote or fails to complete the voter registration part of the application; or
- (C) the individual answers "no" to either question described by IC 3-7-22-5(3) or IC 3-7-22-5(4).

(2) Provide each individual who indicates a desire to register or transfer registration with assistance in filling out the voter registration application if requested to do so by the individual.

(3) Check the completed voter registration form for legibility and completeness.

~~(4) Deliver the completed registration form to the license branch manager (or the employee designated by the manager to be responsible for voter registration services) for transmittal to the appropriate circuit court clerk or board of registration.~~

~~(5)~~ (4) Inform the individual that the individual will receive a mailing from the county voter registration office of the county where the individual resides concerning the disposition of the voter registration application.

~~(6)~~ (5) Inform each individual who submits a change of address for a driver's license or identification card that the information serves as notice of a change of address for voter registration unless the applicant states in writing on the form that the change of address is not for voter registration purposes.

(b) The bureau of motor vehicles commission shall transmit a voter registration form ~~completed after December 31, 2005~~, to the election division for transmittal to the appropriate county voter registration office in accordance with IC 3-7-26.3.

SECTION 9. IC 3-7-14-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. Whenever an applicant completes a voter registration application under section 4 of this chapter, the bureau of motor vehicles commission shall provide the applicant with a written acknowledgment that the applicant has completed a voter registration application at a license branch. The

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acknowledgment:

(1) may be:

(A) a detachable part; or

(B) ~~after December 31, 2005~~, an electronic version;

of the registration form prescribed under section 4 of this chapter;
and

(2) must set forth the name and residential address of the applicant and the date that the application was completed.

SECTION 10. IC 3-7-14-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) An applicant who completes a voter registration application under section 4 of this chapter is not required to submit the application to a county voter registration office.

~~(b) The bureau of motor vehicles commission shall forward the voter registration part of the application to a county voter registration office not later than five (5) days after the date of acceptance and as provided in IC 9-24-2.5 and 42 U.S.C. 1973gg-3(c)(2)(E). This subsection expires January 1, 2006.~~

~~(c) This subsection applies after December 31, 2005.~~ (b) The bureau of motor vehicles commission shall forward the voter registration part of the application to the election division for transmittal to the appropriate county voter registration office on an expedited basis in accordance with IC 3-7-26.3, IC 9-24-2.5, and 42 U.S.C. 1973gg-3(c)(2)(E).

SECTION 11. IC 3-7-14-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. Except as provided in section 15 of this chapter, an application under section 4 of this chapter authorizes a county voter registration office to update the voter registration record of the applicant:

(1) under 42 U.S.C. 1973gg-3(a)(2) unless the applicant fails to sign the voter registration application; or

(2) ~~after December 31, 2005~~, in a manner authorized under IC 3-7-26.3.

SECTION 12. IC 3-7-26.3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. As required under 42 U.S.C. 15483, ~~and not later than January 1, 2006~~, the secretary of state with the consent of the co-directors of the election division shall implement, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, and interactive statewide voter registration list under this chapter.

SECTION 13. IC 3-7-26.3-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS

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[EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: **Sec. 4.5. The state may enter into agreements with a county to use existing county property for purposes of maintaining the computerized list. If the county's equipment fails to perform properly in maintaining the computerized list, the state may cancel any existing agreement with the county and install additional state owned equipment in any county facility to ensure proper operation and maintenance of the computerized list.**

SECTION 14. IC 3-7-26.4-1, AS ADDED BY P.L.81-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. This chapter applies

- (†) to the computerized list established under IC 3-7-26.3. ~~and~~
- (2) ~~after December 31, 2005.~~

SECTION 15. IC 3-7-26.4-12, AS ADDED BY P.L.81-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) This section does not apply to the chief justice of the supreme court or to a person described by section 8 of this chapter.

(b) Notwithstanding IC 5-14-3-8, the election division shall charge each person described by section 6 of this chapter ~~an annual~~ fee of five thousand dollars (\$5,000) to receive **the following:**

- (1) A complete compilation of the voter registration information contained in the computerized list.
- (2) **Updates of the voter registration information made during the year covered by the fee.**

SECTION 16. IC 3-7-27-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 15. (a) This section does not apply to a county acting in accordance with ~~section 21~~ **section 21.1** or 22 of this chapter. The county voter registration office shall keep all original affidavits or forms of registration in the clerk's or board's office except when the affidavits or forms are in the possession of the precinct election boards for use on election day at the polls. The county voter registration office shall keep any duplicate affidavits or forms at all times in the clerk's or board's office.

(b) If the original affidavits or forms of registration have been microfilmed or recorded through a similar electronic process authorized under IC 5, any duplicate affidavits may be:

- (1) stored in a secure location outside of the office of the clerk or board; or
- (2) discarded, if a microfilmed or similar electronic record of the duplicate affidavits is stored in a secure location outside ~~of~~ the office of the clerk or board.

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SECTION 17. IC 3-7-27-20.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 20.1. ~~(a) This section applies after December 31, 2005.~~

~~(b)~~ **(a)** The county voter registration office shall prepare an entry in the computerized system that accurately reflects the information set forth in the original affidavit of registration. However, the county voter registration office is required to enter a voter's voting history for the previous ten (10) years only if that history is available.

~~(c)~~ **(b)** The county voter registration office is not required to prepare a duplicate paper copy of a registration properly entered into the computerized system.

SECTION 18. IC 3-7-27-20.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 20.2. ~~(a) This section applies after December 31, 2005.~~

~~(b)~~ **(a)** The county voter registration office shall prepare an entry in the computerized system indicating:

- (1) whether the applicant was required to provide documentation under IC 3-7-33-4.5; and
- (2) if so, whether the required documentation has been provided.

~~(c)~~ **(b)** If the documentation required under IC 3-7-33-4.5 has been provided, the entry must include the following:

- (1) The date the documentation was filed with the county voter registration office.
- (2) Whether the documentation was filed with the county voter registration office by:
 - (A) a precinct election board after the person voted in person at the polling place;
 - (B) the county election board after the person applied to cast an absentee ballot; or
 - (C) the applicant as part of the original filing of the application to register to vote, or in a subsequent filing received by the county voter registration office.
- (3) A brief description of the type of documentation provided.

The election division shall provide each county voter registration office with a suggested coding system for identifying the types of documentation.

SECTION 19. IC 3-7-27-21.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 21.1. ~~(a) This section applies after December 31, 2005.~~

~~(b)~~ **(a)** The county voter registration office is not required to maintain duplicate paper copies of original registrations.

~~(c)~~ **(b)** Notwithstanding IC 5-15, a county voter registration office

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may dispose of duplicate paper copies of original registrations made before January 1, 2006, by destroying the duplicate paper copies.

SECTION 20. IC 3-7-27-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 22. (a) This section applies before January 1, 2006; to a county whose voter registration records are maintained on a computerized system described by section 20 of this chapter. After December 31, 2005, this section applies to all counties:

(b) Before January 1, 2006, the county voter registration office may maintain the original affidavits of registration in a secure location outside of the county voter registration office if:

- (1) the county maintains a regularly updated copy of the computerized record as described in section 21(b) of this chapter; and
- (2) the original affidavits are not located in the same location as the updated copy of the computerized record:

After December 31, 2005, The county voter registration office may maintain the original affidavits of registration in a secure location outside the county voter registration office.

SECTION 21. IC 3-7-29-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) This subsection applies before January 1, 2006. When the inspector of a precinct procures the ballots and other election supplies for an election, the inspector shall also procure from the county voter registration office:

- (1) in a county whose registration records are not maintained on a computerized system described by IC 3-7-27-20; the duplicate copy of the registration record; or
- (2) in a county with a computerized registration system, the certified copies of the registration record of the precinct with the information required under section 1 of this chapter;

and other necessary registration supplies.

(b) This subsection applies after December 31, 2005: When the inspector of a precinct procures the ballots and other election supplies for an election, the inspector shall also procure from the county voter registration office the certified copies of the registration record of the precinct with the information required under section 1 of this chapter and other necessary registration supplies.

SECTION 22. IC 3-7-29-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) This subsection applies before January 1, 2006. The county voter registration office in a county with a computerized registration system may also provide the inspector of each precinct in the county with a certified photocopy of

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the signature on the affidavit of registration of each voter of the precinct for the comparison of signatures under ~~IC 3-10-1-24.5~~ or ~~IC 3-11-8-25~~.

(b) This subsection applies after December 31, 2005. The county voter registration office may also provide the inspector of each precinct in the county with a certified photocopy of the signature on the affidavit of registration of each voter of the precinct for the comparison of signatures under ~~IC 3-10-1-24.5~~ **IC 3-10-1-24.6** or ~~IC 3-11-8-25~~. **IC 3-11-8-25.1.**

SECTION 23. IC 3-7-30-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. Certain uses of information from the statewide voter file are prohibited

(1) before January 1, 2006, under ~~IC 3-7-26~~;

(2) after December 31, 2005, under IC 3-7-26.3.

SECTION 24. IC 3-7-30-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. Certain voter registration information in the statewide voter registration file maintained by the election division

(1) under ~~IC 3-7-26~~ before January 1, 2006; and

(2) under IC 3-7-26.3 after December 31, 2005;

is confidential.

SECTION 25. IC 3-7-32-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. A registration application must be signed:

(1) in indelible ink or indelible pencil; or

(2) after December 31, 2005, with an electronic signature in a manner authorized under IC 3-7-26.3 if submitted to a license branch under IC 3-7-14.

SECTION 26. IC 3-7-32-4, AS AMENDED BY P.L.198-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. A voter may not submit a registration application by fax or an electronic transmission except as provided in:

(1) IC 3-11-4 concerning an absent uniformed services voter or overseas voter submitting a registration application on the standard form approved under 42 U.S.C. 1973ff(b); or

(2) after December 31, 2005, IC 3-7-26.3.

SECTION 27. IC 3-7-33-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.5. (a) Except as provided in subsection (b), this section applies to an individual who:

(1) submits an application to register to vote by mail under IC 3-7-22; and

(2) has not previously voted in:

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(A) a general election in Indiana (or a special election for federal office in Indiana); or

(B) a general election (or a special election for federal office) in the county where the individual has submitted an application under this chapter if a statewide voter registration system is not operational in accordance with the requirements of ~~IC 3-7-26~~ **IC 3-7-26.3** and 42 U.S.C. 15483 on the date the application is received by the county voter registration office.

(b) This section does not apply to an individual who complies with the requirements in any of the following:

(1) The individual submits an application to register to vote by mail under this chapter and includes with that mailing a copy of:

(A) a current and valid photo identification; or

(B) a current utility bill, bank statement, government check, paycheck, or government document;

that shows the name and residence address of the voter stated on the voter registration application.

(2) The individual submits an application to register to vote by mail under this chapter that includes: ~~the individual's~~

(A) **the individual's** Indiana driver's license number; or

(B) **the** last four (4) digits of the individual's Social Security number;

and the county voter registration office or election division matches the information submitted by the applicant with an existing Indiana identification record bearing the same number, name, and date of birth set forth in the voter registration application.

(3) The individual is an absent uniformed services voter or overseas voter.

(4) The individual is entitled to vote other than in person under the federal Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)) due to a determination by the election division that a permanent or temporarily accessible polling place cannot be provided for the individual.

(5) The individual is entitled to vote other than in person under any other federal law.

(c) When a county voter registration office receives a voter registration application by mail, the office shall determine whether the applicant is subject to the requirements to provide additional documentation under this section and 42 U.S.C. 15483.

(d) As required by 42 U.S.C. 15483, a county voter registration office shall administer the requirements of this section in a uniform and

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nondiscriminatory manner.

(e) If the county voter registration office determines that the applicant:

(1) is not required to submit additional documentation under this section; or

(2) has provided the documentation required under this section; the county voter registration office shall process the application in accordance with section 5 of this chapter.

(f) If the county voter registration office determines that the applicant is required to submit additional documentation under this section and 42 U.S.C. 15483, the office shall process the application under section 5 of this chapter and, if the applicant is otherwise eligible to vote, add the information concerning this documentation to the voter's computerized registration entry under ~~IC 3-7-27-20(c)~~. **IC 3-7-27-20.2.**

(g) The county voter registration office shall remove the notation described in subsection (f) after the voter votes in an election for a federal office.

SECTION 28. IC 3-7-33-5, AS AMENDED BY P.L.81-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) When the county voter registration office receives an application for a new registration or an application with information that revises or adds information to the applicant's current voter registration record, the county voter registration office shall determine if the applicant appears to be eligible to register to vote based on the information in the application.

(b) As required under 42 U.S.C. 1973gg-6(a)(2), the county voter registration office shall send a notice to each person from whom the county voter registration office receives a voter registration application. The county voter registration office shall send a notice to the applicant at the mailing address provided in the application.

(c) The notice required by subsection (b) must set forth the following:

(1) A statement that the application has been received.

(2) The disposition of the application by the county voter registration office.

(3) If the county voter registration office determines that the applicant appears to be eligible, the notice must state the following:

(A) **Except as provided under subsection (f)**, the applicant is registered to vote under the residence address when the applicant receives the notice. An applicant is presumed to

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have received the notice unless the notice is returned by the United States Postal Service due to an unknown or insufficient address and received by the county voter registration office not later than seven (7) days after the notice is mailed to the applicant.

(B) The name of the precinct in which the voter is registered.

(C) The address of the polling place for the precinct in which the voter is registered.

(D) The voter's voter identification number.

(4) In accordance with 42 U.S.C. 1973ff-1(d), if the county voter registration office has denied the application, the notice must include the reasons for the denial.

(d) The notice required by subsection (b) may include a voter registration card.

(e) If the notice is returned by the United States Postal Service due to an unknown or insufficient address, the county voter registration office shall determine that the applicant is ineligible and deny the application.

(f) During the seven (7) days following the mailing of the notice to the voter under this section, the county voter registration office shall indicate in the computerized list maintained under IC 3-7-26.3 that the application is pending. If the notice:

(1) is not returned by the United States Postal Service and received by the county voter registration office at; **or**

(2) is received by the applicant by United States Postal Service delivery and presented in person by the applicant to the county voter registration office before;

the expiration of the seven (7) day period under subsection (c), the county voter registration office shall indicate in the computerized list that the applicant is a registered voter.

(g) This subsection applies if the notice is mailed by the county voter registration office after the certified list is prepared under IC 3-7-29. If:

(1) the seven (7) day period under subsection (c) expires before election day;

(2) the applicant has not presented the notice mailed under subsection (b) to the county voter registration office as provided under subsection (f); and

(3) the applicant would otherwise have been included on the certified list;

the county voter registration office shall prepare a certificate of error under IC 3-7-48 to note the addition of the voter to the certified list.

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(h) This subsection applies if the notice is mailed by the county voter registration office after the certified list is prepared under IC 3-7-29. If:

(1) the seven (7) day period has not expired before election day; and

(2) the applicant has not presented the notice mailed under subsection (b) to the county voter registration office as provided under subsection (f);

the county voter registration office shall notify the county election board. The county election board shall certify to the inspector of the precinct where the applicant resides that the applicant's voter registration application is pending, and that the voter, subject to fulfilling the requirements of IC 3-11.7, is entitled to cast a provisional ballot.

SECTION 29. IC 3-7-34-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) If a registration form contains all of the information required to be supplied by the voter, but does not include the information required to be supplied by the bureau of motor vehicles commission or a voter registration agency, the county voter registration office shall promptly make one (1) effort to contact the officer, commission, or agency to obtain the information.

(b) ~~This subsection applies after December 31, 2005.~~ If the information is not obtained from the officer, commission, or agency under subsection (a) not later than seven (7) days after the county voter registration office provides the notice, the county voter registration office shall notify the NVRA official. The NVRA official shall contact the officer, commission, or agency to request that the information be provided to the county voter registration office or that the officer, commission, or agency file a statement with the county voter registration office indicating why the information is not available.

SECTION 30. IC 3-7-34-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. ~~(a) This subsection applies before January 1, 2006. If the registration form is not compatible with the county's voter registration system, the county voter registration office may reproduce the form for the county's system and retain the original form to document the registration.~~

~~(b) This subsection applies after December 31, 2005. If the registration form is not compatible with the county's voter registration files of original voter registration affidavits, the county voter registration office may reproduce the form for the county's system and retain the original form to document the registration.~~

SECTION 31. IC 3-7-35-2.1 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.1. ~~(a) This section applies after December 31, 2005.~~

~~(b)~~ The county voter registration office shall generate a poll list for the precinct where the voter resides that does not include the name of a voter unless the voter will be:

- (1) at least eighteen (18) years of age when the election is conducted; or
- (2) eligible to vote in the election under this article.

SECTION 32. IC 3-7-35-3.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.1. ~~(a) This section applies after December 31, 2005.~~

~~(b)~~ The county voter registration office shall generate information to be used in the compilation of a jury list that does not include the name of a voter unless the voter will be at least eighteen (18) years of age when the jury is empaneled.

SECTION 33. IC 3-7-38.2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) A voter list maintenance program conducted under this chapter ~~or before January 1, 2006, IC 3-7-38.1 must be:~~

- (1) ~~be~~ uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973);
- (2) not result in the removal of the name of a person from the official list of votes solely due to the person's failure to vote; and
- (3) ~~be~~ completed not later than ninety (90) days before a primary, general, or municipal election.

(b) A county voter registration office may conduct a voter list maintenance program that complies with subsection (a). In conducting a voter list maintenance program, the county voter registration office shall mail a notice described in subsection (d) to each registered voter at the residence address:

- (1) listed in the voter's registration record; and
- (2) determined by the county voter registration office not to be the voter's current residence address.

(c) A county voter registration office may use information only from the following sources to make the determination under subsection (b)(2):

- (1) The United States Postal Service National Change of Address Service.
- (2) A court regarding jury duty notices.
- (3) The return of a mailing sent by the county voter registration office to all voters in the county.
- (4) The bureau of motor vehicles concerning the surrender of a

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voter's Indiana license for the operation of a motor vehicle to another jurisdiction.

(d) The notice described in subsection (b) must:

- (1) be sent by first class United States mail, postage prepaid, by a method that requires the notice to be forwarded to the voter; and
- (2) include a postage prepaid return card that:
 - (A) is addressed to the county voter registration office;
 - (B) states a date by which the card must be returned or the voter's registration will become inactive until the information is provided to the county voter registration office; and
 - (C) permits the voter to provide the voter's current residence address.

(e) If a voter returns the card described in subsection (d)(2) and provides a current residence address that establishes that the voter resides:

- (1) in the county, the county voter registration office shall update the voter's registration record; or
- (2) outside the county, the county voter registration office shall cancel the voter's registration.

(f) If a voter does not return the card described in subsection (d)(2) by the date specified in subsection (d)(2)(B), the county voter registration office shall indicate in the voter's registration record that the voter's registration is inactive.

(g) A voter's registration that becomes inactive under subsection (f) remains in inactive status from the date described in subsection (d)(2)(B) until the earlier of the following:

- (1) The date the county voter registration office updates or cancels the voter's registration under subsection (e) after the voter provides a current residence address.
- (2) The day after the second general election in which the voter has not voted or appeared to vote.

(h) After the date described in subsection (g)(2), the county voter registration office shall remove the voter's registration from the voter registration records.

SECTION 34. IC 3-7-38.2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. As provided under 42 U.S.C. 1973gg-6(c)(2)(B)(i), this chapter ~~and before January 1, 2006, IC 3-7-38.1~~ **does** not prevent the removal of a voter's name from the voter registration record during the final ninety (90) day period before a primary, general, or municipal election due to any of the following in accordance with this article:

- (1) The written request of the voter.

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(2) Disenfranchisement due to criminal conviction and incarceration.

(3) The death of the voter.

SECTION 35. IC 3-7-38.2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. As provided under 42 U.S.C. 1973gg-6(c)(2)(B)(ii), this chapter ~~and before January 1, 2006; IC 3-7-38.1~~ **do** does not prevent the correction of voter registration records under this article.

SECTION 36. IC 3-7-38.2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. To assist in performing voter list maintenance under this chapter, ~~and before January 1, 2006; to supplement the duplicate voter registration elimination program under IC 3-7-38.1;~~ the NVRA official may submit the names of all registered voters in Indiana to the United States Postal Service National Change of Address Service. The submission under this chapter shall be compiled from the county voter registration information submitted to the election division under

~~(1) IC 3-7-26 before January 1, 2006; and~~

~~(2) IC 3-7-26.3. after December 31, 2005.~~

SECTION 37. IC 3-7-39-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) This section applies to a voter who changes residence from a precinct in a county to another precinct in the same county.

(b) As required under 42 U.S.C. 1973gg-6(f), the ~~circuit court clerk or board of county voter registration office:~~

(1) shall correct the address shown on the voter registration records for a voter subject to this section; and

(2) may not remove the voter from the voter registration records due to a change of address, except as provided in ~~IC 3-7-44; this title.~~

(c) A voter described in this section, who is otherwise eligible to vote, may vote as provided in IC 3-10-11 or IC 3-10-12.

SECTION 38. IC 3-7-40-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. ~~(a) This subsection applies before January 1, 2006. One (1) time each calendar year the NVRA official may submit to the United States Postal Service a list of the names and addresses of voters with rural route addresses.~~

~~(b) This subsection applies after December 31, 2005. The NVRA official may submit to the United States Postal Service a list of the names and addresses of voters with rural route addresses.~~

SECTION 39. IC 3-7-40-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. ~~(a) This subsection~~

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applies before January 1, 2006. When notified by the NVRA official of a conversion from rural route addresses to numbered addresses under this chapter, the county voter registration office shall, as soon as practicable, do the following:

(1) Draw a red line through the rural route address appearing on the affidavit or form of registration and write the numbered address that replaces the rural route address on the affidavit or form;

(2) Make an appropriate entry in each computerized record for the precinct.

(b) This subsection applies after December 31, 2005. When notified by the NVRA official of a conversion from rural route addresses to numbered addresses under this chapter, the county voter registration office shall, as soon as practicable, amend:

(1) the original affidavit filed by the voter to indicate the numbered address that replaces the rural route address on the affidavit; and

(2) the entry for the voter in the computerized list under IC 3-7-26.3.

SECTION 40. IC 3-7-41-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. The statement described in section 1 of this chapter may be filed with the county voter registration office at any time. A voter who wishes to indicate that the voter's name has changed may also write the necessary information concerning the name change on the poll list under ~~IC 3-11-8-25~~ **IC 3-11-8-25.1** before the person receives a ballot. The person may then vote if otherwise qualified.

SECTION 41. IC 3-7-42-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) This subsection applies before January 1, 2006. At the time of transfer, the county voter registration office shall draw a red line through the name or number of the precinct appearing on the affidavit or form of registration and shall write the name or number of the precinct to which the voter has been transferred and make an appropriate entry in the computerized record for the precinct.

(b) This subsection applies after December 31, 2005. At the time of transfer, the county voter registration office shall amend:

(1) the original affidavit filed by the voter to indicate the changed mailing address, street name, or residence number on the affidavit; and

(2) the entry for the voter in the computerized list under IC 3-7-26.3.

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SECTION 42. IC 3-7-43-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) This section applies to a voter who requests a cancellation of voter registration under IC 3-7-39-6.

(b) This subsection applies before January 1, 2006: The county voter registration office of the county in which a voter registers shall send the authorization of cancellation to the county voter registration office of the counties of previous residence within fifteen (15) days after receipt of the authorization. However, all authorizations shall be sent to the county voter registration office not later than the fifteenth day before the date on which an election will be held.

(c) This subsection applies after December 31, 2005: (b) The county voter registration office of the county in which a voter registers shall send the authorization of cancellation to the county voter registration office on an expedited basis, as required by IC 3-7-26.3.

SECTION 43. IC 3-7-43-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) This subsection applies before January 1, 2006: The county voter registration office shall remove the affidavit of the voter from the registration record of the county and shall cancel the affidavit of registration by writing the word "canceled" and the date of the cancellation across the face of the affidavit and entering the cancellation in any computerized record.

(b) This subsection applies after December 31, 2005: The county voter registration office shall cancel the affidavit of registration and enter the date and other information concerning the cancellation in the computerized list under IC 3-7-26.3.

SECTION 44. IC 3-7-43-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) This subsection applies before January 1, 2006: If either of the addresses given by a person under IC 3-7-39 is outside Indiana, the county voter registration office shall, not later than fifteen (15) days after receipt, send the authorization of cancellation to the election division.

(b) This section applies after December 31, 2005: (a) If either of the addresses given by a person under IC 3-7-39 is outside Indiana, the county voter registration office shall send the authorization of cancellation to the election division on an expedited basis.

(c) (b) The election division shall promptly send the authorization to the voter registration office of the political subdivision that has jurisdiction over the address.

SECTION 45. IC 3-7-45-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.1. (a) This section applies after December 31, 2005:

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~~(b)~~ (a) As required under 42 U.S.C. 15483, the election division shall coordinate the computerized list generated by the statewide voter registration system under IC 3-7-26.3 with the state department of health to permit a county voter registration office to cancel the registration records of deceased individuals on an expedited basis.

~~(c)~~ (b) The state department of health shall report to the election division, by county, the names, ages, and known residence addresses of all persons who:

- (1) died within Indiana but outside the county of residence; and
- (2) maintained a residence address within the county during the two (2) years preceding the date of death.

~~(d)~~ (c) Each county health officer and municipal health officer shall report to the state department of health the names, ages, and known voting addresses in the county of all persons:

- (1) who have died within the jurisdiction of the officer; or
- (2) for whom burial permits have been issued by the officer.

The state department of health shall report this information to the election division.

~~(e)~~ (d) The state department of health shall report to the election division, by county, the names, ages, and known residence addresses of all persons:

- (1) who died outside Indiana;
- (2) who maintained a residence address within the county during the two (2) years preceding the date of death; and
- (3) whose names were supplied to the state department of health under an agreement made under section 5 of this chapter.

SECTION 46. IC 3-7-45-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. ~~(a) This subsection applies before January 1, 2006. Not later than thirty (30) days after receipt of the reports required by section 2 of this chapter, each county voter registration office shall cancel the registration of each deceased person listed in the reports.~~

~~(b) This subsection applies after December 31, 2005. As required by 42 U.S.C. 15483, after receipt of the reports required by section 2~~ **section 2.1** of this chapter, each county voter registration office shall cancel the registration of each deceased person listed in the reports.

SECTION 47. IC 3-7-45-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. ~~(a) This subsection applies before January 1, 2006. Except as provided in subsection (c), a county voter registration office shall cancel the registration of a deceased person not later than thirty (30) days after receiving a copy of the deceased person's death certificate.~~

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~~(b)~~ This subsection applies after December 31, 2005. **(a)** Except as provided in subsection ~~(e)~~, **(b)**, a county voter registration office shall cancel the registration of a deceased person after receiving a copy of the deceased person's death certificate on an expedited basis, as required under 42 U.S.C. 15483. The county voter registration office shall enter the date and other information regarding the cancellation into the computerized list under IC 3-7-26.3.

~~(e)~~ **(b)** A county voter registration office may require additional written information before canceling the registration of a person under subsection (a) ~~or (b)~~ if the information contained in the death certificate is insufficient to identify the person whose registration is to be canceled. If:

(1) additional written information is not given to the county voter registration office; or

(2) the additional written information is insufficient to identify the person whose registration is to be canceled;

the county voter registration office is not required to cancel the person's registration. ~~under subsection (a):~~

SECTION 48. IC 3-7-45-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) The state department of health shall negotiate with appropriate agencies in each state other than Indiana to acquire information regarding the deaths of Indiana residents occurring in each of the other states. The state department of health may offer to share with each other state information regarding the deaths of the other state's residents in Indiana.

(b) If an agreement is made with the agency of another state under this section, the agreement must provide for acquisition of information about the deaths of Indiana residents in the other state so that the state department of health can forward that information as provided in ~~section 2~~ **or section 2.1** of this chapter.

SECTION 49. IC 3-7-45-6.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6.1. ~~(a) This section applies after December 31, 2005.~~

~~(b)~~ **(a)** The election division shall obtain information regarding Indiana residents identified as deceased by the federal Social Security Administration as required by 42 U.S.C. 15483 and in conformity with IC 3-7-26.3.

~~(e)~~ **(b)** The election division shall provide each county voter registration office with a report identifying the deceased individuals who are shown as residing in the county.

~~(d)~~ **(c)** Except as provided in section 7 of this chapter, the county

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voter registration office shall cancel the registration of each deceased person listed in the report provided under subsection ~~(e)~~ **(b)**.

SECTION 50. IC 3-7-46-4.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.1. ~~(a) This section applies after December 31, 2005.~~

~~(b)~~ **(a)** As required under 42 U.S.C. 15483, the election division shall coordinate the computerized list generated by the statewide voter registration system under IC 3-7-26.3 with the department of correction to permit a county voter registration office to cancel the registration records of disfranchised individuals on an expedited basis.

~~(c)~~ **(b)** The department of correction shall provide the NVRA official with a list identifying each person who:

- (1) is a resident of Indiana;
- (2) has been convicted of a crime; and
- (3) has been placed in a department of correction facility during the previous month.

~~(d)~~ **(c)** The department of correction shall provide the information required by this section electronically in a format prescribed by the election division.

SECTION 51. IC 3-7-46-7.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7.5. If the information provided under section 5 or 6 of this chapter indicates that the person is disfranchised under section 2 of this chapter, the county voter registration office shall:

- (1) remove the name of the person from the voter registration records; and
- (2) ~~after January 1, 2006,~~ enter the date and other information regarding the cancellation into the computerized list under IC 3-7-26.3;

on an expedited basis, as required under 42 U.S.C. 15483.

SECTION 52. IC 3-7-46-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. ~~(a) This subsection applies before January 1, 2006. On the last day of each month, each county voter registration office shall prepare a list of the names and last known addresses of all persons within the county who have been disfranchised. The county voter registration office may secure the list at any time, but not later than the twenty-ninth day before a primary, general, or municipal election.~~

~~(b) This subsection applies after December 31, 2005. Each county voter registration office shall prepare a notice to be mailed to the names and last known addresses of all persons within the county who have been disfranchised.~~

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SECTION 53. IC 3-7-46-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) ~~This subsection applies before January 1, 2006. Not later than thirty (30) days after preparation of the list under section 8 of this chapter, the circuit court clerk or board of registration shall send a notice to each alleged disfranchised person at the person's last known address using a form prescribed by the commission under this article.~~

(b) ~~This subsection applies after December 31, 2005. After preparation of the notice under section 8 of this chapter, the county voter registration office shall mail the notice to the alleged disfranchised person not later than the day following the day that the voter's registration has been canceled under this chapter. The notice must be mailed to each alleged disfranchised person at the person's last known address using a form prescribed by the commission under this article.~~

SECTION 54. IC 3-7-48-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) A voter shall be permitted to vote in a precinct upon written affirmation of the voter's residence in the precinct if:

- (1) the voter produces a registration receipt indicating that the voter completed a registration form at a license branch or voter registration agency under this article on a date within the registration period;
- (2) the county voter registration office advises the precinct election board that the office:
 - (A) approved the application; or
 - (B) has no record of either approving or rejecting the application; and
- (3) the voter completes a registration application form and provides the completed form to the precinct election board before voting.

(b) A county election board shall provide each precinct election board with a sufficient number of the registration forms for the purposes described in subsection (a). The precinct election board shall attach the completed registration forms to the poll list for processing by the county voter registration office under ~~IC 3-10-1-31~~. **IC 3-10-1-31.1.**

SECTION 55. IC 3-7-48-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 7.5. If a voter makes an oral or a written affirmation under section 5 or 7 of this chapter and is then challenged under IC 3-10-1 or IC 3-11-8 as ineligible to vote in the precinct, the voter shall be provided with a provisional ballot**

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under IC 3-11.7 rather than a regular official ballot. The affidavit executed under this chapter serves as a sufficient affidavit for the voter to receive a provisional ballot under IC 3-11.7.

SECTION 56. IC 3-8-2-2.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.6. (a) This section applies to a write-in candidate for a school board office to be elected on the same election day that a primary election is conducted.

(b) A:

- (1) declaration of intent to be a write-in candidate; or
- (2) withdrawal of a declaration;

must be subscribed and sworn to before an individual authorized to administer oaths.

(c) A declaration of intent to be a write-in candidate for a school board office must be filed:

- (1) not earlier than the first date specified in IC 3-8-6-10(b) for the timely filing of a petition of nomination; and
- (2) not later than noon seventy-four (74) days before the primary election.

(d) A candidate may withdraw a declaration of intent filed under subsection (c) not later than noon seventy-one (71) days before the primary election.

(e) A question concerning the validity of a declaration of intent to be a write-in candidate for a school board office must be filed with the county election board under IC 3-8-1-2(c) not later than noon sixty-seven (67) days before the date of the primary election. The county election board shall determine all questions regarding the validity of the declaration not later than noon fifty-four (54) days before the date of the primary election.

SECTION 57. IC 3-8-2-2.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.7. (a) **This subsection does not apply to a write-in candidate for school board office who is subject to section 2.6(c) of this chapter.** A candidate may withdraw a declaration of intent to be a write-in candidate not later than noon July 15 before a general or municipal election.

(b) This subsection applies to a candidate who filed a declaration of intent to be a write-in candidate with the election division. The election division shall issue a corrected certification of write-in candidates under IC 3-8-7-30 as soon as practicable after a declaration is withdrawn under this section.

SECTION 58. IC 3-8-2-4, AS AMENDED BY P.L.230-2005, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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UPON PASSAGE]: Sec. 4. (a) A declaration of candidacy for a primary election must be filed not later than noon seventy-four (74) days and not earlier than one hundred four (104) days before the primary election. The declaration must be subscribed and sworn to before a person authorized to administer oaths.

(b) This subsection does not apply to a write-in candidate for school board office who is subject to section 2.6(c) of this chapter.

A declaration of intent to be a write-in candidate must be filed:

- (1) not earlier than the first date specified in IC 3-8-6-10(b) for the timely filing of a petition of nomination; and
- (2) not later than noon on the date specified by IC 3-13-1-15(c) for a major political party to file a certificate of candidate selection.

The declaration must be subscribed and sworn to before a person authorized to administer oaths.

(c) During a year in which a federal decennial census, federal special census, special tabulation, or corrected population count becomes effective under IC 1-1-3.5, a declaration of:

- (1) candidacy may be filed for an office that will appear on the primary election ballot; or
- (2) intent to be a write-in candidate for an office that will appear on the general, municipal, or school board election ballot;

that year as a result of the new tabulation of population or corrected population count.

SECTION 59. IC 3-8-2-11, AS AMENDED BY P.L.230-2005, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) A declaration of candidacy may be made by mail and is considered filed as of the date and hour the filing occurs in the manner described by IC 3-5-2-24.5 in the office of the election division or circuit court clerk.

(b) A declaration is not valid unless ~~received~~ **filed** in the office of the election division or circuit court clerk by noon on the seventy-fourth day before a primary election.

(c) This subsection applies to a candidate required to file a statement of economic interest under IC 2-2.1-3-2 or IC 33-23-11-15 or a financial disclosure statement under IC 4-2-6-8. The election division shall require the candidate to produce a:

- (1) copy of the statement, file stamped by the office required to receive the statement of economic interests; or
- (2) receipt showing that the statement has been filed;

before the election division accepts the declaration for filing. The election division shall reject a filing that does not comply with this

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subsection.

SECTION 60. IC 3-9-1-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.5. (a) This section

(1) ~~applies after December 31, 2004; and~~

(2) does not apply to a national committee of a political party.

(b) For purposes of determining the deadline for filing a statement of organization under section 3 of this chapter, a committee becomes a regular party committee when the committee accepts contributions or makes expenditures during a calendar year:

(1) to influence the election of a candidate for state, legislative, or local office; and

(2) that total more than one hundred dollars (\$100).

SECTION 61. IC 3-9-4-4, AS AMENDED BY P.L.221-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The election division shall develop a filing and coding system consistent with the purposes of this article. The election division and each county election board shall use the filing and coding system. The coding system must provide:

(1) not more than ten (10) codes to account for various campaign expenditure items; and

(2) a clear explanation of the kinds of expenditure items that must be accounted for under each code.

(b) The election division shall develop and use a computer system to store campaign finance reports required to be filed under IC 3-9-5-6, IC 3-9-5-10, and IC 3-9-5-20.1. The computer system must enable the election division to do the following:

(1) Identify all candidates or committees that received contributions from a contributor over the past three (3) years.

(2) Identify all contributors to a candidate or committee over the past three (3) years.

(3) Provide for electronic submission, retrieval, storage, and disclosure of campaign finance reports of candidates for the following:

(A) Legislative office.

(B) State office.

The election division shall provide training at no cost to candidates to enable candidates described in this subdivision to file campaign finance reports electronically.

(c) The election division shall notify each candidate's committee that the election division will provide at the committee's request at no cost a standardized software program to permit the committee to install the software on a computer and generate an electronic version of the

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reports and statements required to be filed with the election division under this article. However, the election division is not required to provide or alter the software program to make the program compatible for installation or operation on a specific computer.

(d) This subsection applies ~~after December 31, 2005,~~ to the following committees:

- (1) A committee for a candidate seeking election to a state office.
- (2) A political action committee that has received more than fifty thousand dollars (\$50,000) in contributions since the close of the previous reporting period.

The committee must file electronically the report or statement required under this article with the election division using a standardized software program supplied to the committee without charge under subsection (c) or another format approved by the election division. An electronic filing approved by the election division under this subsection may not require manual reentry into a computer system of the data contained in the report or statement in order to make the data available to the general public under subsection (g).

(e) This subsection applies to an electronic submission under subsection (b)(3). An electronic submission must be in a format previously approved by the commission that permits the election division to print out a hard copy of the report after the receipt of the electronic submission from the candidate. Filing of a report occurs under IC 3-5-2-24.5 on the date and at the time electronically recorded by the election division's computer system. If a discrepancy exists between the text of the electronic submission and the printed report, the text of the printed report prevails until an amendment is filed under this article to correct the discrepancy.

(f) The election division is not required to accept an electronic submission unless the submission complies with subsection (b)(3). Upon receiving approval from the commission, the election division may accept an electronic submission from candidates, committees, or persons described in subsection (b)(3).

(g) The election division shall make campaign finance reports stored on the computer system under subsection (b) available to the general public through an on-line service.

SECTION 62. IC 3-9-5-6, AS AMENDED BY P.L.221-2005, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) This subsection applies to a candidate's committee other than a candidate's committee of a candidate for a state office. Except as otherwise provided in this chapter, each committee, the committee's treasurer, and each candidate shall complete a report

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required by this chapter current and dated as of the following dates:

- (1) Twenty-five (25) days before the nomination date.
- (2) Twenty-five (25) days before the general, municipal, or special election.
- (3) The annual report filed and dated as required by section 10 of this chapter.

(b) This subsection applies to a regular party committee. Except as otherwise provided in this chapter, each committee and the committee's treasurer shall complete a report required by this chapter current and dated as of the following dates:

- (1) Twenty-five (25) days before a primary election.
- (2) Twenty-five (25) days before a general, municipal, or special election.
- (3) The date of the annual report filed and dated as required under section 10 of this chapter.

(c) This subsection applies to a legislative caucus committee. Except as otherwise provided in this chapter, each committee and the committee's treasurer shall complete a report required under this chapter current and dated as of the following dates:

- (1) Twenty-five (25) days before a primary election conducted in an even-numbered year.
- (2) Twenty-five (25) days before a general election conducted in an even-numbered year.
- (3) The date of the annual report filed and dated as required under section 10 of this chapter.

A legislative caucus committee is not required to file any report concerning the committee's activity during an odd-numbered year other than the annual report filed and dated under section 10 of this chapter.

(d) This subsection applies to a political action committee. Except as otherwise provided in this chapter, each committee and the committee's treasurer shall complete a report required by this chapter current and dated as of the following dates:

- (1) Twenty-five (25) days before a primary election.
- (2) Twenty-five (25) days before a general, municipal, or special election.
- (3) The date of the annual report filed and dated as required under section 10 of this chapter.

(e) This subsection applies to a candidate's committee of a candidate for a state office. A candidate's committee is not required to file a report under section 8.2, 8.4, or 8.5 of this chapter. For a year in which an election to the state office is held, the treasurer of a candidate's committee shall file the following reports:

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(1) A report covering the period from January 1 through March 31 of the year of the report. A report required by this subdivision must be filed not later than noon April 15 of the year covered by the report.

(2) A report covering the period from April 1 through June 30 of the year of the report. A report required by this subdivision must be filed not later than noon July 15 of the year covered by the report.

(3) A report covering the period from July 1 through September 30 of the year of the report. A report required by this subdivision must be filed not later than noon October 15 of the year covered by the report.

(4) A report covering the period from October 1 of the year of the report through the date that is fifteen (15) days before the date of the election. A report required by this subdivision must be filed not later than noon seven (7) days before the date of the election.

(5) A report covering the period from the date that is ~~fifteen (15)~~ **fourteen (14)** days before the date of the election through December 31 of the year of the report. A report required by this subdivision must:

(A) provide cumulative totals from January 1 through December 31 of the year of the report; and

(B) be filed not later than the deadline specified in section 10 of this chapter.

SECTION 63. IC 3-9-5-8, AS AMENDED BY P.L.221-2005, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) This section:

(1) applies to a candidate for nomination to an office in a convention who becomes a candidate less than twenty-five (25) days before the nomination date for a candidate chosen at a convention; and

(2) does not apply to a candidate for nomination to a state office by a ~~major~~ political party at a convention conducted under IC 3-8-4.

(b) A candidate is not required to file a report in accordance with section 6(a)(1) of this chapter. The candidate shall file the candidate's first report not later than noon twenty (20) days after the nomination date for a candidate chosen at a convention.

(c) The reporting period for the first report required for a candidate begins on the date that the individual became a candidate and ends on the day following the adjournment of the convention.

SECTION 64. IC 3-10-1-4.5, AS AMENDED BY P.L.230-2005,

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SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.5. (a) **Except as provided in section 4.6 of this chapter**, precinct committeemen shall be elected on the first Tuesday after the first Monday in May 2006 and every four (4) years thereafter.

(b) The rules of a political party may specify whether a precinct committeeman elected under subsection (a) continues to serve as a precinct committeeman after the boundaries of the precinct are changed by a precinct establishment order issued under IC 3-11-1.5.

SECTION 65. IC 3-10-1-4.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.6. (a) **This section applies to precinct committeemen elected by the Indiana Republican Party.**

(b) **Precinct committeemen shall be elected on the first Tuesday after the first Monday in May 2008 and every four (4) years thereafter.**

(c) **The rules of the Indiana Republican Party may specify whether a precinct committeeman elected under subsection (a) continues to serve as a precinct committeeman after the boundaries of the precinct are changed by a precinct establishment order issued under IC 3-11-1.5.**

SECTION 66. IC 3-10-1-7.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7.1. ~~(a) This section applies after December 31, 2005.~~

~~(b)~~ (a) Each county election board shall furnish the inspector of each precinct for use on primary election day a certified copy under IC 3-7-29 of the list of all voters registered to vote in the precinct.

~~(c)~~ (b) The county voter registration office may also provide the inspector of each precinct in the county a certified photocopy of the signature on the affidavit or form of registration of each voter of the precinct for the comparison of signatures under section 24.6 of this chapter.

~~(d)~~ (c) If the name of a person offering to vote at the primary is in the registration record or listed in the certified copy prepared for the precinct, it is sufficient evidence of the person's right to vote unless the person is challenged.

SECTION 67. IC 3-10-1-7.2, AS ADDED BY P.L.109-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7.2. (a) Except as provided in subsection (e), a voter who desires to vote an official ballot at a primary election shall provide proof of identification.

(b) Except as provided in subsection (e), before the voter proceeds to vote in a primary election, a member of the precinct election board

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shall ask the voter to provide proof of identification. The voter must produce the proof of identification before being permitted to sign the poll list.

(c) If:

- (1) the voter is unable or declines to present the proof of identification; or
- (2) a member of the precinct election board determines that the proof of identification presented by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

a member of the precinct election board shall challenge the voter as prescribed by IC 3-11-8.

(d) If the voter executes a challenged voter's affidavit under section 9 of this chapter or ~~IC 3-11-8-22~~, **IC 3-11-8-22.1**, the voter may:

- (1) sign the poll list; and
- (2) receive a provisional ballot.

(e) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides is not required to provide proof of identification before voting in a primary election.

SECTION 68. IC 3-10-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. ~~(a) This subsection applies before January 1, 2004. A person who will be a voter at the general election for which the primary is being held and whose name does not appear on the registration record or on the certified copy of the registration record in a county with a computerized registration system may vote if the circuit court clerk or board of registration provides a signed certificate of error under IC 3-7-48 showing that the person is a registered voter of the precinct.~~

~~(b) This subsection applies after December 31, 2003. A person who will be a voter at the general election for which the primary is being held and whose name does not appear on the registration record of the precinct or on the certified copy of the registration record prepared under IC 3-7-29 may:~~

- ~~(1) vote if the county voter registration office provides a signed certificate of error; or~~
- ~~(2) cast a provisional ballot under IC 3-11.7, as provided by 42 U.S.C. 15482.~~

SECTION 69. IC 3-10-1-10.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10.5. ~~(a) This section applies after December 31, 2003.~~

~~(b)~~ **(a)** This section does not apply to a voter who is challenged under section 10 of this chapter on the basis of party affiliation.

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~~(c)~~ (b) In accordance with 42 U.S.C. 15482, a voter challenged under this chapter is entitled to cast a provisional ballot under IC 3-11.7 after executing the affidavit under section 9 of this chapter.

SECTION 70. IC 3-10-1-15, AS AMENDED BY P.L.58-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 15. (a) Each political party holding a primary election shall have a separate ticket, either in printed ballot form as prescribed by sections 13 and 14.1 of this chapter, or on separate ballot cards or ballot labels.

(b) Except as provided in subsection (c), ~~or (d)~~, the name of each candidate who has qualified under IC 3-8 shall be placed on the ballot under a designation of the office for which the person is a candidate.

~~(c)~~ This subsection applies to a punch card ballot and expires December 31, 2005. The name of each candidate who has qualified under IC 3-8 shall be placed on the ballot and indicated by reference to a number printed on the punch card.

~~(d)~~ (c) This subsection applies to an optical scan ballot card voting system that does not list the name of a candidate on the ballot card. The name of each candidate who has qualified under IC 3-8 shall be placed on the ballot and indicated by reference to a number printed on the optical scan ballot card.

~~(e)~~ (d) The name of a candidate may not appear on the ballot of more than one (1) party for the same office.

SECTION 71. IC 3-10-1-19, AS AMENDED BY P.L.221-2005, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 19. (a) The ballot for a primary election shall be printed in substantially the following form for all the offices for which candidates have qualified under IC 3-8:

OFFICIAL PRIMARY BALLOT

_____ Party

For paper ballots, print: To vote for a person, make a voting mark (X or ✓) on or in the box before the person's name in the proper column. ~~For punch card ballots, print: To vote for a person, punch through the chad before the number assigned to the person's name in the proper column.~~ For optical scan ballots, print: To vote for a person, darken or shade in the circle, oval, or square (or draw a line to connect the arrow) that precedes the person's name in the proper column. For optical scan ballots that do not contain a candidate's name, print: To vote for a person, darken or shade in the oval that precedes the number assigned to the person's name in the proper column. For electronic voting systems, print: To vote for a person, touch the screen (or press the button) in the location indicated.

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Vote for one (1) only

Representative in Congress

☐ (1) AB _____

☐ (2) CD _____

☐ (3) EF _____

☐ (4) GH _____

(b) The offices with candidates for nomination shall be placed on the primary election ballot in the following order:

(1) Federal and state offices:

(A) President of the United States.

(B) United States Senator.

(C) Governor.

(D) United States Representative.

(2) Legislative offices:

(A) State senator.

(B) State representative.

(3) Circuit offices and county judicial offices:

(A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.

(B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.

(C) Judge of the probate court.

(D) Judge of the county court, with each division separate, as required by IC 33-30-3-3.

(E) Prosecuting attorney.

(F) Circuit court clerk.

(4) County offices:

(A) County auditor.

(B) County recorder.

(C) County treasurer.

(D) County sheriff.

(E) County coroner.

(F) County surveyor.

(G) County assessor.

(H) County commissioner.

(I) County council member.

(5) Township offices:

(A) Township assessor.

(B) Township trustee.

(C) Township board member.

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- (D) Judge of the small claims court.
- (E) Constable of the small claims court.
- (6) City offices:
 - (A) Mayor.
 - (B) Clerk or clerk-treasurer.
 - (C) Judge of the city court.
 - (D) City-county council member or common council member.
- (7) Town offices:
 - (A) Clerk-treasurer.
 - (B) Judge of the town court.
 - (C) Town council member.
- (c) The political party offices with candidates for election shall be placed on the primary election ballot in the following order after the offices described in subsection (b):
 - (1) Precinct committeeman.
 - (2) State convention delegate.
- (d) The following offices and public questions shall be placed on the primary election ballot in the following order after the offices described in subsection (c):
 - (1) School board offices to be elected at the primary election.
 - (2) Other local offices to be elected at the primary election.
 - (3) Local public questions.
- (e) The offices and public questions described in subsection (d) shall be placed:
 - (1) in a separate column on the ballot if voting is by paper ballot;
 - (2) after the offices described in subsection (c) in the form specified in IC 3-11-13-11 if voting is by ballot card; or
 - (3) either:
 - (A) on a separate screen for each office or public question; or
 - (B) after the offices described in subsection (c) in the form specified in IC 3-11-14-3.5;
- if voting is by an electronic voting system.
- (f) A public question shall be placed on the primary election ballot in the following form:
 - (The explanatory text for the public question,
if required by law.)
 - "Shall (insert public question)?"
 - ☐ YES
 - ☐ NO

SECTION 72. IC 3-10-1-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 24. (a) A voter who desires to vote must give the voter's name and political party to the poll

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clerks of the precinct on primary election day. The poll clerks shall require the voter to write the following on the poll list:

- (1) The voter's name.
- (2) Except as provided in subsection (d), the voter's current residence address.
- (3) The name of the voter's party.
- (b) The poll clerks shall:
 - (1) ask the voter to provide or update the voter's voter identification number;
 - (2) tell the voter the number the voter may use as a voter identification number; and
 - (3) explain to the voter that the voter is not required to provide a voter identification number at the polls.

(c) If the voter is unable to sign the voter's name, the voter must sign the poll list by mark, which must be witnessed by one (1) of the poll clerks or assistant poll clerks acting under IC 3-6-6, who shall place the poll clerk's or assistant poll clerk's initials after or under the mark.

(d) ~~After December 31, 2005~~; Each line on a poll list sheet provided to take a voter's current residence address must include a box under the heading "Address Unchanged" so that a voter whose residence address shown on the poll list is the voter's current residence address may check the box instead of writing the voter's current residence address on the poll list.

SECTION 73. IC 3-10-1-24.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24.6. ~~(a) This section applies after December 31, 2005.~~

~~(b)~~ (a) In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the affidavit of registration or any certified copy of the signature provided under ~~section 7~~ **section 7.1** of this chapter. If the board determines that the voter's signature is authentic, the voter may then vote.

~~(c)~~ (b) If either poll clerk doubts the voter's identity following the comparison of the signatures, the poll clerk shall challenge the voter in the manner prescribed by IC 3-11-8. If the poll clerk does not execute a challenger's affidavit under IC 3-11-8-21 or if the voter executes a challenged voter's affidavit under ~~IC 3-11-8-22~~, **IC 3-11-8-22.1**, the voter may then vote.

SECTION 74. IC 3-10-1-33, AS AMENDED BY P.L.221-2005, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 33. (a) The county election board shall also make an additional duplicate showing the votes cast for each candidate

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required to file a declaration of candidacy with the election division under IC 3-8-2.

(b) The circuit court clerk shall, not later than noon on the second Monday following the primary election, send to the election division by certified mail or hand deliver to the election division one (1) complete copy of all returns for these candidates.

(c) The circuit court clerk may send the document described in subsection (b) using the computerized list established under IC 3-7-26.3. A document sent under this subsection complies with any requirement for the document to be certified or sealed.

SECTION 75. IC 3-10-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. **(a) The county election board shall conduct elections in towns for town offices or on public questions submitted to the voters of the town if the town office or public question will be placed on the ballot during a general election year.**

(b) This subsection applies in a year in which a general election is not scheduled to be conducted. Except as provided in sections 4, 5, and 5.5 of this chapter, the town election board established under this chapter shall conduct **municipal or special elections for town offices that do not coincide with a general election in towns subject to this chapter.**

SECTION 76. IC 3-10-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. A special election shall be held in the following cases:

- (1) Whenever two (2) or more candidates for a federal, state, legislative, circuit, or school board office receive the highest and an equal number of votes for the office, except as provided in Article 5, Section 5 of the Constitution of the State of Indiana or in IC 20.
- (2) Whenever a vacancy occurs in the office of United States Senator, as provided in IC 3-13-3-1.
- (3) Whenever a vacancy occurs in the office of United States Representative unless the vacancy occurs less than thirty (30) days before a general election.
- (4) Whenever a vacancy occurs in any local office the filling of which is not otherwise provided by law.
- (5) Whenever required by law for a public question.
- (6) Whenever ordered by a court under IC 3-12-8-17 or the state recount commission under IC 3-12-11-18.
- (7) Whenever required under IC 3-13-5 to fill a vacancy in a legislative office unless the vacancy occurs less than thirty (30)**

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days before a general election.

SECTION 77. IC 3-10-10-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 9. If a voter executes an affidavit under this chapter and is then challenged under IC 3-11-8 as ineligible to vote in the precinct, the voter shall be provided with a provisional ballot under IC 3-11.7 rather than a regular official ballot. The affidavit executed under this chapter serves as a sufficient affidavit for the voter to receive a provisional ballot under IC 3-11.7.**

SECTION 78. IC 3-10-11-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4.5. If a voter executes an affidavit under this chapter and is then challenged under IC 3-10-1 or IC 3-11-8 as ineligible to vote in the precinct, the voter shall be provided with a provisional ballot under IC 3-11.7 rather than a regular official ballot. The affidavit executed under this chapter serves as a sufficient affidavit for the voter to receive a provisional ballot under IC 3-11.7.**

SECTION 79. IC 3-10-11-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 5. An affidavit executed under this chapter must contain the following information:**

- (1) The person's last, first, and middle name, in that order.
- (2) The person's birthplace and date of birth.
- (3) Whether the person is a United States citizen.
- (4) The person's current address, including the county. If the person resides in a municipality, the address must include the street address, including apartment number or other designation, or the name and room number of the hotel or lodging house. If the person does not reside in a municipality, the address must include the mailing address and the street or road.
- (5) The address of the person's previous residence, including the county.
- (6) The person's statement that the person satisfies the conditions set forth in section 2 of this chapter.
- (7) ~~After December 31, 2005,~~ The person's voter identification number to permit transfer of the registration under IC 3-7-13-13.

SECTION 80. IC 3-10-12-3.5, AS AMENDED BY P.L.230-2005, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 3.5. ~~After December 31, 2005,~~ The written affirmation described in section 3.4 of this chapter must include the person's voter identification number to permit transfer of the registration under IC 3-7-13-13.**

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SECTION 81. IC 3-10-12-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5. If a voter makes an oral or a written affirmation under this chapter and is then challenged under IC 3-10-1 or IC 3-11-8 as ineligible to vote in the precinct, the voter shall be provided with a provisional ballot under IC 3-11.7 rather than a regular official ballot. The oral or written affirmation made under this chapter serves as a sufficient affidavit for the voter to receive a provisional ballot under IC 3-11.7.**

SECTION 82. IC 3-11-1.5-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 14. (a) A county executive must submit a proposed precinct establishment order to the co-directors before the county executive establishes a precinct under this chapter.**

(b) To ensure sufficient time for review to determine whether a proposed precinct establishment order complies with this chapter, the co-directors may fix a date and time by which a county executive must submit an order under section 15 of this chapter if the county wishes to have the proposed order take effect before the beginning of the next period specified under section 25 of this chapter. The election division shall notify each county election board of the date fixed under this subsection at least ninety (90) days before the date occurs.

(c) If a county submits an order after the date and time fixed under subsection (b), the co-directors may review the order only after completing the review of orders submitted in compliance with subsection (b).

(d) This subsection applies to an order submitted after the date and time fixed under subsection (b). If the co-directors are unable to determine whether a proposed order complies with this chapter before the beginning of the next period specified under section 25 of this chapter, the co-directors shall complete the review so that, if the proposed order is otherwise approved under this chapter, the order may take effect following the end of the next period specified under section 25 of this chapter.

SECTION 83. IC 3-11-1.5-18, AS AMENDED BY P.L.221-2005, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 18. (a) If the election division determines that the proposed precinct establishment order would comply with this chapter, the election division shall issue an order authorizing the county executive to establish the proposed precincts.**

(b) The order issued by the election division under subsection (a)

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must state that the election division finds that the proposed precincts would comply with the standards set forth in this chapter. The election division shall promptly provide a copy of the order to the county executive.

(c) The county executive must give notice of the proposed order to the voters of the county by one (1) publication under IC 5-3-1-4. The notice must state the following:

- (1) The name of each existing precinct whose boundaries would be changed by the adoption of the proposed order by the county.
- (2) That any registered voter of the county may object to the proposed order by filing a sworn statement with the election division setting forth the voter's specific objections to the proposed order and requesting that a hearing be conducted by the commission under IC 4-21.5.
- (3) The mailing address of the election division.
- (4) The deadline for filing the objection with the election division under this section.

(d) An objection to a proposed precinct establishment order must be filed not later than noon ten (10) days after the publication of the notice by the county executive.

(e) If an objection is not filed with the election division by the date and time specified under subsection (d), the election division shall promptly notify the county executive. The county executive may proceed immediately to adopt the proposed order.

(f) If an objection is filed with the election division by the date and time specified under subsection (d), the election division shall promptly notify the county executive. The county executive may not adopt the proposed order until the commission conducts a hearing under IC 4-21.5 and determines whether the proposed precincts would comply with the standards set forth in this chapter.

(g) If the co-directors determine that the expiration of the ten (10) day period described in subsection (d) will occur:

- (1) after the next period specified under section 25 of this chapter begins; or**
- (2) without sufficient time for a county or an objector to receive notice of a hearing before the commission concerning an objection before the next period specified under section 25 of this chapter begins;**

the co-directors may request a hearing before the commission under section 21 of this chapter and notify the county executive of the request.

SECTION 84. IC 3-11-1.5-21 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 21. (a) If the county executive believes that the proposed order described by section 19 of this chapter complies with this chapter, the county executive may resubmit the order to the co-directors and request a hearing before the commission.

(b) The co-directors may request a hearing before the commission under section 18(g) of this chapter.

(c) The hearing **under this section** shall be conducted in accordance with IC 4-21.5.

~~(b)~~ **(d)** If the commission determines that the proposed precinct establishment order complies with this chapter, the co-directors shall advise the county executive that the order complies with this chapter and may be issued by the county executive.

SECTION 85. IC 3-11-1.5-27, AS AMENDED BY P.L.221-2005, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 27. **(a)** Not later than fourteen (14) days following notice of final approval of a precinct establishment order by the commission under section 18(f) of this chapter, the county executive shall give notice of the approval by one (1) publication under IC 5-3-1-4.

(b) The county executive shall file one (1) copy of the notice published under subsection (a) with the co-directors.

SECTION 86. IC 3-11-1.5-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 29. The county executive shall file

- ~~(1)~~ one (1) copy of the order approved under ~~section 26~~ of this chapter with the circuit court clerk or board of registration; and
- ~~(2)~~ one ~~(1)~~ copy of the notice published under section 27 of this chapter with the co-directors;

~~no~~ **each of the following** not later than forty-five (45) days after the notice is published under section 27 of this chapter:

- (1) The county voter registration office.**
- (2) The county auditor.**

SECTION 87. IC 3-11-2-0.5, AS ADDED BY P.L.58-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 0.5. (a) This chapter applies only to paper ballots.

(b) This chapter does not apply to:

- (1) an electronic voting system; or
- (2) an optical scan voting system.

~~(c) This chapter does not apply to a punch card ballot voting system. This subsection expires December 31, 2005.~~

SECTION 88. IC 3-11-2-2.1 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.1. ~~(a) This section applies after December 31, 2004.~~

~~(b)~~ Each county election board shall have the:

- (1) names of all candidates for election to offices or retention in offices; and
- (2) state and local public questions;

in election districts wholly or partially within the county printed on a ballot as provided in this chapter. The county may print all offices on a single ballot under this section.

SECTION 89. IC 3-11-2-12.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12.7. (a) This section applies to candidates for election to at-large seats on the fiscal or legislative body of a political subdivision.

(b) Candidates shall be listed in alphabetical order according to surname within each row or column on the ballot.

(c) In each row or column on the ballot in which the names of candidates appear, the ballot shall contain a statement reading substantially as follows above the name of the first candidate: "Vote for not more than (insert number of candidates to be elected) candidates of ANY party ~~or ticket~~ for this office."

(d) If more than one (1) candidate for an at-large seat was nominated by the same petition of nomination, these candidates shall be listed in alphabetical order by surname within the same row or column on the ballot, with the position of the row or column being determined under section 6 of this chapter.

SECTION 90. IC 3-11-3-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. ~~(a) This subsection applies before January 1, 2006. Each county election board shall prepare and have delivered to the inspectors of the precincts, at the time they receive the ballots for their precincts, a suitable number of blank poll list sheets and any other forms, papers, certificates, and oaths that are required to be furnished to precinct election boards. The forms and papers must have proper captions. The county voter registration office shall cooperate with the county election board in the preparation of the poll lists.~~

~~(b) This subsection applies after December 31, 2005. Each county election board shall prepare and have delivered to the inspectors of the precincts, at the time they receive the ballots for their precincts, a suitable number of voter registration lists certified under IC 3-7-29 and any other forms, papers, certificates, and oaths that are required to be furnished to precinct election boards. The forms and papers must be prepared in compliance with IC 3-5-4-8. The county voter registration~~

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office shall cooperate with the county election board in the preparation of the lists certified under IC 3-7-29.

SECTION 91. IC 3-11-3-22, AS AMENDED BY P.L.221-2005, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. (a) Each county election board shall have printed in at least 14 point type on cards in English, braille, and any other language that the board considers necessary, the following:

- (1) Instructions for the guidance of voters in preparing their ballots.
- (2) Instructions explaining the procedure for write-in voting.
- (3) Write-in voting notice cards that must be posted in each precinct that utilizes a ~~ballot card~~ voting system that does not permit **a voter to alter the voter's ballot after making a voting mark for a write-in voting candidate so that the voter may vote for a candidate for that office whose name appears on the ballot.**

(b) The write-in notice cards described in subsection (a)(3) must direct inform all voters that a voter:

- (1) who ~~want~~ wants to cast write-in votes to request a write-in ballot from an election official; may cast the voter's ballot on the voting system required to be available to all voters in the precinct under IC 3-11-15-13.3(e); and**
- (2) may choose to cast the voter's ballot on the voting system described in subdivision (1) without being required to indicate to any individual that the voter wishes to cast a ballot on the voting system because the voter intends to cast a ballot for a write-in candidate.**

~~(b)~~ **(c)** The board shall furnish the number of cards it determines to be adequate for each precinct to the inspector at the same time the board delivers the ballots for the precinct and shall furnish a magnifier upon request to a voter who requests a magnifier to read the cards.

SECTION 92. IC 3-11-4-17.5, AS AMENDED BY P.L.103-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 17.5. (a) Upon receiving an application for an absentee ballot, the county election board (or the absentee voter board in the office of the circuit court clerk) shall determine if:

- (1) the applicant is a voter of the precinct in which the applicant resides, according to the records of the county voter registration office;
- (2) the information set forth on the application appears to be true; and
- (3) the application has been completed and filed in accordance

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with Indiana and federal law.

If the members of the absentee voter board are unable to agree about any of the determinations described in subdivisions (1) through (3), the issue shall be referred to the county election board for determination. If the application is submitted by a voter wanting to cast an absentee ballot under IC 3-11-10-26, the voter shall be permitted to cast an absentee ballot, and the voter's absentee ballot shall be treated as a provisional ballot.

(b) If:

(1) the applicant is not a voter of the precinct according to the registration record; or

(2) the application as completed and filed:

(A) contains a false statement; or

(B) does not otherwise comply with Indiana or federal law;

as alleged under section 18.5 of this chapter, the county election board shall deny the application.

(c) This subsection applies to an absentee ballot application submitted by an absent uniformed services voter or an overseas voter. In accordance with 42 U.S.C. 1973ff-1(d), if the application is denied, the county election board shall provide the voter with the reasons for the denial of the application. Unless the voter is present when the board denies the application, the board shall send a written notice stating the reasons for the denial to the voter. The notice must be sent:

(1) not later than forty-eight (48) hours after the application is denied; and

(2) to the voter at the address at which the voter requested that the absentee ballot be mailed.

(d) If the county election board determines that the applicant is a voter of the precinct under subsection (a), the board shall then determine whether:

(1) the applicant was required to file any additional documentation under IC 3-7-33-4.5; and

(2) the applicant has filed this documentation according to the records of the county voter registration office.

If the applicant has not filed the required documentation, the county election board shall approve the application if the application otherwise complies with this chapter. The board shall add a notation to the application and to the record compiled under section 17 of this chapter indicating that the applicant will be required to provide additional documentation to the county voter registration office under IC 3-7-33-4.5 before the absentee ballot may be counted.

(e) If the applicant:

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- (1) is a voter of the precinct according to the registration record;
- (2) states on the application that the applicant resides at an address that is within the same precinct but is not the same address shown on the registration record; and
- (3) ~~after December 31, 2005,~~ provides a voter identification number on the application to permit transfer of registration under IC 3-7-13-13;

the county election board shall direct the county voter registration office to transfer the applicant's voter registration address to the address within the precinct shown on the application. The applicant's application for an absentee ballot shall be approved if the applicant is otherwise eligible to receive the ballot under this chapter.

SECTION 93. IC 3-11-4-18, AS AMENDED BY P.L.103-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 18. (a) If a voter satisfies any of the qualifications described in IC 3-11-10-24 that entitle a voter to cast an absentee ballot by mail, the county election board shall, at the request of the voter, mail the official ballot, postage fully prepaid, to the voter at the address stated in the application.

(b) If the county election board mails an absentee ballot to a voter required to file additional documentation with the county voter registration office before voting by absentee ballot under this chapter, the board shall include a notice to the voter in the envelope mailed to the voter under section 20 of this chapter. The notice must inform the voter that the voter must file the additional documentation required under IC 3-7-33-4.5 with the county voter registration office not later than noon on election day for the absentee ballot to be counted as an absentee ballot, and that, if the documentation required under IC 3-7-33-4.5 is filed after noon and before 6 p.m. on election day, the ballot will be processed as a provisional ballot. The commission shall prescribe the form of this notice under IC 3-5-4-8.

(c) Except as provided in section 18.5 of this chapter, the ballot shall be mailed:

- (1) on the day of the receipt of the voter's application; or
- (2) not more than five (5) days after the date of delivery of the ballots under section 15 of this chapter;

whichever is later.

(d) In addition to the ballot mailed under subsection (c), the county election board shall mail a special absentee ballot for overseas voters.

(e) Except as provided in section 18.5 of this chapter, the ballot described in subsection (d):

- (1) must be mailed:

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- (A) on the day of the receipt of the voter's application; or
- (B) not more than five (5) days after the latest date for delivery of the ballots under section 13(b) of this chapter applicable to that election;

whichever is later; and

- (2) may not be mailed after the absentee ballots described by section 13(a) of this chapter have been delivered to the circuit court clerk or the clerk's authorized deputy.

(f) ~~This subsection applies after December 31, 2005.~~ As required by 42 U.S.C. 15481, an election board shall establish a voter education program (specific to a paper ballot or optical scan ballot card provided as an absentee ballot under this chapter) to notify a voter of the effect of casting multiple votes for a single office.

(g) ~~This subsection applies after December 31, 2005.~~ As provided by 42 U.S.C. 15481, when an absentee ballot is mailed under this section, the mailing must include:

- (1) information concerning the effect of casting multiple votes for an office; and
- (2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

SECTION 94. IC 3-11-6.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) As used in this section, "department" refers to the Indiana department of administration established by IC 4-13-1-2.

(b) The department shall award quantity purchase agreements to vendors for new voting systems or upgrades or expansion of existing voting systems by counties.

(c) Both of the following must apply before the department may issue a quantity purchase agreement to a voting system vendor:

- (1) The commission has found that all of the following would be enhanced by the vendor's new or upgraded voting system:
 - (A) Reliability of a county's voting system.
 - (B) Efficiency of a county's voting system.
 - (C) Ease of use by voters.
 - (D) Public confidence in a county's voting system.

- (2) The commission has otherwise approved the vendor's new voting system or the upgrade or expansion of the existing voting system for use under this title.

(d) The quantity purchase agreement must include options for a county to:

- (1) purchase;
- (2) lease-purchase; or

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(3) lease;
new voting systems or upgrades or expansion of existing voting systems.

(e) The purchase of new voting systems or upgrades or expansions of existing voting systems by a county or under a quantity purchase agreement entered into by the department under this section is considered an acquisition by the state for purposes of 42 U.S.C. 15401 if the voting system, upgrade, or expansion complies with 42 U.S.C. 15481 through 15502.

(f) ~~Not later than December 31, 2005,~~ Each county shall purchase at least one (1) voting system under this section for each polling place in the county to meet the requirements set forth under IC 3-11-15-13.

SECTION 95. IC 3-11-6.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]:
Sec. 5. (a) If a county's application is approved under section 4 of this chapter, the secretary of state with the consent of the co-directors of the election division shall, subject to this section, reimburse the county from the fund an amount to be determined by the secretary of state with the consent of the co-directors of the election division.

(b) Payment of money from the fund is subject to the availability of money in the fund and the requirements of this chapter and HAVA.

(c) It is the intent of the general assembly that a county eligible for reimbursement under section 4 of this chapter be reimbursed from federal money received by the state to the maximum extent permitted by federal law.

~~(d) This section expires January 1, 2006.~~

SECTION 96. IC 3-11-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. ~~If a voter votes a straight party ticket and also votes for one (1) or more individual candidates who are all of the same political party as the straight ticket vote,~~ A ballot card voting system must count **the a ballot in accordance with IC 3-12-1-7 when a voter votes a straight ticket vote** and ~~not the votes for individual candidate votes candidates as required described by IC 3-12-1-7(a).~~ **IC 3-12-1-7.**

SECTION 97. IC 3-11-8-22.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 22.1. (a) This subsection applies to a voter:**

- (1) whose name does not appear on the poll list for the precinct; and**
- (2) who produces a certificate of error issued under IC 3-7-48-1.**

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If the voter is not challenged under IC 3-10-1 or this chapter, the voter shall be provided with a regular official ballot. However, as provided by IC 3-7-48-1(b), if the voter is challenged under IC 3-10-1 or this chapter, the voter must cast a provisional ballot after complying with IC 3-7-48-7.5 if the voter wishes to cast a ballot.

(b) This subsection applies to a voter:

- (1) whose name does not appear on the poll list for the precinct; and
- (2) who makes an oral or a written affirmation in compliance with IC 3-7-48-5 that the voter continues to reside in the precinct at the address shown as the voter's former residence in the voter registration record.

If the voter is not challenged under IC 3-10-1 or this chapter, the voter shall be provided with a regular official ballot. However, as provided by IC 3-7-48-7.5, if the voter is challenged under IC 3-10-1 or this chapter, the voter must cast a provisional ballot after complying with IC 3-7-48-7.5 if the voter wishes to cast a ballot.

(c) This subsection applies to a voter:

- (1) whose name does not appear on the poll list for the precinct; and
- (2) who produces a registration receipt that complies with IC 3-7-48-7.

If the county election board provides the precinct election board with the information required under IC 3-7-48-7(a)(2) and the voter is not challenged under IC 3-10-1 or this chapter, the voter shall be provided with a regular official ballot. However, as provided by IC 3-7-48-7.5, if the voter is challenged under IC 3-10-1 or this chapter, the voter must cast a provisional ballot after complying with IC 3-7-48-7.5 if the voter wishes to cast a ballot.

(d) This subsection applies to a voter:

- (1) whose name does not appear on the poll list for the precinct; and
- (2) who is not described by subsection (a), (b), or (c).

If the voter is challenged under IC 3-10-1 or this chapter, the voter shall be provided with a provisional ballot under IC 3-11.7 instead of a regular official ballot if the voter wishes to cast a ballot. The voter may proceed to cast a provisional ballot after executing a challenged voter's affidavit under section 23 of this chapter if the voter wishes to cast a ballot.

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(e) This subsection applies to a voter:

- (1) whose name appears on the poll list for the precinct; and**
- (2) who no longer resides in the precinct but is entitled to vote at the precinct under IC 3-10-10, IC 3-10-11, or IC 3-10-12.**

If the voter executes an affidavit in compliance with IC 3-10-10, IC 3-10-11, or IC 3-10-12 and the voter is not challenged under IC 3-10-1 or this chapter, the voter shall be provided with a regular official ballot. However, as provided by IC 3-10-10-9, IC 3-10-11-4.5, or IC 3-10-12-5, if the voter is challenged under IC 3-10-1 or this chapter, the voter must cast a provisional ballot if the voter wishes to cast a ballot.

(f) This subsection applies to a voter:

- (1) whose name appears on the poll list for the precinct; and**
- (2) who is not described in subsection (e).**

If the voter is challenged under IC 3-10-1 or this chapter, the voter shall be provided with a provisional ballot under IC 3-11.7 rather than a regular official ballot if the voter wishes to cast a vote. The voter may proceed to cast a provisional ballot after executing a challenged voter's affidavit under section 23 of this chapter if the voter wishes to cast a ballot.

SECTION 98. IC 3-11-8-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23. (a) If a challenged voter has already made an affirmation or executed an affidavit under IC 3-7-48-7.5, IC 3-10-10-9, IC 3-10-11-4.5, or IC 3-10-12-5, the challenged voter is not required to execute an additional affidavit under this section.

(b) The affidavit of a challenged voter required by ~~section 22~~ section 22.1 of this chapter must be sworn and affirmed and must contain the following:

- (1) A statement that the voter is a citizen of the United States.**
- (2) The voter's date of birth to the best of the voter's information and belief.**
- (3) A statement that the voter has been a resident of the precinct for thirty (30) days immediately before this election or is qualified to vote in the precinct under IC 3-10-10, IC 3-10-11, or IC 3-10-12.**
- (4) The voter's name and a statement that the voter is generally known by that name.**
- (5) A statement that the voter has not voted and will not vote in any other precinct in this election.**
- (6) The voter's occupation.**
- (7) The voter's current residential address, including the street or**

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number, and if applicable, the voter's residential address thirty (30) days before the election, and the date the voter moved.

(8) A statement that the voter understands that making a false statement on the affidavit is punishable under the penalties of perjury.

(9) ~~After December 31, 2003~~, If the individual's name does not appear on the registration list, ~~and the individual is not entitled to vote under IC 3-7-48-1, IC 3-7-48-5, IC 3-7-48-7, IC 3-10-10, IC 3-10-11-2, or IC 3-10-12~~, a statement that the individual registered to vote and where the individual believes the individual registered to vote during the registration period described by:

(A) IC 3-7-13-10; or

(B) IC 3-7-36-11, if the voter registered under that section.

SECTION 99. IC 3-11-8-23.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 23.5. ~~(a) This section applies after December 31, 2003:~~

~~(b)~~ In accordance with 42 U.S.C. 15482, a voter challenged under section 21 of this chapter is entitled to cast a provisional ballot under IC 3-11.7 after executing the affidavit under section 23 of this chapter.

SECTION 100. IC 3-11-8-25.1, AS AMENDED BY P.L.109-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25.1. ~~(a) This section applies after December 31, 2005:~~

~~(b)~~ **(a)** Except as provided in subsection ~~(f)~~, **(e)**, a voter who desires to vote an official ballot at an election shall provide proof of identification.

~~(c)~~ **(b)** Except as provided in subsection ~~(f)~~, **(e)**, before the voter proceeds to vote in the election, a member of the precinct election board shall ask the voter to provide proof of identification. The voter shall produce the proof of identification before being permitted to sign the poll list.

~~(d)~~ **(c)** If:

(1) the voter is unable or declines to present the proof of identification; or

(2) a member of the precinct election board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

a member of the precinct election board shall challenge the voter as prescribed by this chapter.

~~(e)~~ **(d)** If the voter executes a challenged voter's affidavit under ~~section 22~~ **section 22.1** of this chapter, the voter may:

(1) sign the poll list; and

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(2) receive a provisional ballot.

~~(f)~~ (e) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides is not required to provide proof of identification before voting in an election.

~~(g)~~ (f) After a voter has passed the challengers or has been sworn in, the voter shall be instructed by a member of the precinct election board to proceed to the location where the poll clerks are stationed. The voter shall announce the voter's name to the poll clerks or assistant poll clerks. A poll clerk, an assistant poll clerk, or a member of the precinct election board shall require the voter to write the following on the poll list:

(1) The voter's name.

(2) Except as provided in subsection ~~(h)~~ (k), the voter's current residence address.

~~(h)~~ (g) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall:

(1) ask the voter to provide or update the voter's voter identification number;

(2) tell the voter the number the voter may use as a voter identification number; and

(3) explain to the voter that the voter is not required to provide or update a voter identification number at the polls.

~~(i)~~ (h) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall ask the voter to provide proof of identification.

~~(j)~~ (i) In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the affidavit of registration or any certified copy of the signature provided under IC 3-7-29. If the board determines that the voter's signature is authentic, the voter may then vote. If either poll clerk doubts the voter's identity following comparison of the signatures, the poll clerk shall challenge the voter in the manner prescribed by section 21 of this chapter.

~~(k)~~ (j) If, in a precinct governed by subsection ~~(h)~~ (g):

(1) the poll clerk does not execute a challenger's affidavit; or

(2) the voter executes a challenged voter's affidavit under ~~section 22~~ **section 22.1** of this chapter or executed the affidavit before signing the poll list;

the voter may then vote.

~~(k)~~ (k) Each line on a poll list sheet provided to take a voter's current address must include a box under the heading "Address Unchanged" so that a voter whose residence address shown on the poll list is the

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voter's current residence address may check the box instead of writing the voter's current residence address on the poll list.

SECTION 101. IC 3-11-8-25.2, AS AMENDED BY P.L.109-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 25.2. ~~(a)~~ This section applies after December 31, 2005.

~~(b)~~ **(a)** The poll clerk or assistant poll clerk shall examine the list provided under IC 3-7-29-1 to determine if the county election board has indicated that the voter is required to provide additional personal identification under 42 U.S.C. 15483 and IC 3-7-33-4.5 before voting in person. If the list (or a certification concerning absentee voters under IC 3-11-10-12) indicates that the voter is required to present this identification before voting in person, the poll clerk shall advise the voter that the voter must present, in addition to the proof of identification required by ~~section 25.1(b)~~ **section 25.1(a)** of this chapter, a piece of identification described in subsection ~~(c)~~ **(b)** to the poll clerk.

~~(c)~~ **(b)** As required by 42 U.S.C. 15483, and in addition to the proof of identification required by ~~section 25.1(b)~~ **section 25.1(a)** of this chapter, a voter described by IC 3-7-33-4.5 who has not complied with IC 3-7-33-4.5 before appearing at the polls on election day must present one (1) of the following documents to the poll clerk:

- (1) A current and valid photo identification.
- (2) A current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter.

~~(d)~~ **(c)** If a voter presents a document under subsection ~~(c)~~ **(b)**, the poll clerk shall add a notation to the list indicating the type of document presented by the voter. The election division shall prescribe a standardized coding system to classify documents presented under this subsection for entry into the county voter registration system.

~~(e)~~ **(d)** If a voter required to present documentation under subsection ~~(c)~~ **(b)** is unable to present the documentation to the poll clerk while present in the polls, the poll clerk shall notify the precinct election board. The board shall provide a provisional ballot to the voter under IC 3-11.7-2.

~~(f)~~ **(e)** The precinct election board shall advise the voter that the voter may file a copy of the documentation with the county voter registration office to permit the provisional ballot to be counted under IC 3-11.7.

SECTION 102. IC 3-11-8-25.5, AS AMENDED BY P.L.109-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2006]: Sec. 25.5. If an individual signs the individual's name and either:

- (1) signs the individual's address; or
- (2) ~~after December 31, 2005~~, checks the "Address Unchanged" box;

on the poll list under ~~section 25~~ or section 25.1 of this chapter and then leaves the polls without casting a ballot or after casting a provisional ballot, the voter may not be permitted to reenter the polls to cast a ballot at the election.

SECTION 103. IC 3-11-8-26.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 26.1. ~~(a) This section applies after December 31, 2005.~~

~~(b)~~ (a) If a voter:

- (1) cannot sign; or
- (2) is a voter with a disability that makes it difficult for the voter to sign;

the voter's name and address, the poll clerks shall, by proper interrogation, satisfy themselves that the voter is the person the voter represents the voter to be.

~~(c)~~ (b) If satisfied as to the voter's identity under subsection ~~(b)~~, (a), one (1) of the poll clerks shall then place the following on the poll list:

- (1) The voter's name.
- (2) Except as provided in subsection ~~(f)~~, (e), the voter's current residence address.

~~(d)~~ (c) The poll clerks shall:

- (1) ask the voter to provide or update the voter's voter identification number;
- (2) tell the voter the number the voter may use as a voter identification number; and
- (3) explain to the voter that the voter is not required to provide or update a voter identification number at the polls.

~~(e)~~ (d) The poll clerk shall then add the clerk's initials in parentheses, after or under the signature. The voter then may vote.

~~(f)~~ (e) Each line on a poll list sheet provided to take a voter's current residence address must include a box under the heading "Address Unchanged" so that the poll clerk may check the box to indicate that the residence address shown on the poll list is the voter's current residence address instead of writing the voter's current residence address on the poll list.

SECTION 104. IC 3-11-8-27.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 27.5. ~~(a) This section applies after December 31, 2003.~~

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~~(b)~~ In accordance with 42 U.S.C. 15482, a voter challenged under section 27 of this chapter is entitled to cast a provisional ballot under IC 3-11.7 after executing the affidavit under section 23 of this chapter.

SECTION 105. IC 3-11-8-29, AS AMENDED BY P.L.109-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 29. (a) This section does not apply to a list kept by a poll clerk under section 10.5 of this chapter.

(b) A precinct election board may not keep a poll list other than the poll list required by ~~section 25~~ or **section 25.1** of this chapter.

SECTION 106. IC 3-11-10-12, AS AMENDED BY P.L.198-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) Each county election board shall have all absentee ballots delivered to the precinct election boards at their respective polls on election day.

(b) The absentee ballots shall be delivered during the hours that the polls are open and in sufficient time to enable the precinct election boards to vote the ballots during the time the polls are open.

(c) Along with the absentee ballots delivered to the precinct election boards under subsection (a), each county election board shall provide a list certified by the circuit court clerk. This list must state the name of each voter subject to IC 3-7-33-4.5 who:

(1) filed the documentation required by IC 3-7-33-4.5 with the county voter registration office after the printing of the certified list under IC 3-7-29 or the poll list under ~~IC 3-11-3-18;~~ **IC 3-11-3;** and

(2) as a result, is entitled to have the voter's absentee ballot counted if the ballot otherwise complies with this title.

(d) If the county election board is notified not later than 3 p.m. on election day by the county voter registration office that a voter subject to IC 3-7-33-4.5 and not identified in the list certified under subsection (c) has filed documentation with the office that complies with IC 3-7-33-4.5, the county election board shall transmit a supplemental certified list to the appropriate precinct election board. If the board determines that the supplemental list may not be received before the closing of the polls, the board shall:

(1) attempt to contact the precinct election board to inform the board regarding the content of the supplemental list; and

(2) file a copy of the supplemental list for that precinct as part of the permanent records of the board.

(e) This subsection applies to a special write-in absentee ballot described in:

(1) 42 U.S.C. 1973ff for federal offices; and

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(2) IC 3-11-4-12(a) for state offices.

If the county election board receives both a special write-in absentee ballot and the regular absentee ballot described by IC 3-11-4-12 from the same voter, the county election board shall reject the special write-in ballot and deliver only the regular absentee ballot to the precinct election board.

SECTION 107. IC 3-11-10-24.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 24.5. ~~(a) This section applies after December 31, 2005.~~

~~(b)~~ As required by 42 U.S.C. 15481, an election board must establish a voter education program (specific to a paper ballot or optical scan ballot card provided as an absentee ballot under this chapter) to notify a voter of the effect of casting multiple votes for a single office.

SECTION 108. IC 3-11-10-25, AS AMENDED BY P.L.103-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 25. (a) A voter who votes by absentee ballot because of:

- (1) illness or injury; or
- (2) caring for a confined person at a private residence;

and who is within the county on election day may vote before an absentee voter board or by mail.

(b) If requested by a voter described in subsection (a) or by a voter with disabilities whose precinct is not accessible to voters with disabilities, an absentee voter board shall visit the voter's place of confinement, the residence of the voter with disabilities, or the private residence:

- (1) during the regular office hours of the circuit court clerk;
- (2) at a time agreed to by the board and the voter;
- (3) on any of the twelve (12) days immediately before election day; and
- (4) only once before an election, unless:
 - (A) the confined voter is unavailable at the time of the board's first visit due to a medical emergency; or
 - (B) the board, in its discretion, decides to make an additional visit.

(c) This subsection applies to a voter confined due to illness or injury. An absentee voter board may not be denied access to the voter's place of confinement if the board is present at the place of confinement at a time:

- (1) agreed to by the board and the voter; and
- (2) during the regular office hours of the circuit court clerk. A

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person who knowingly violates this subsection commits obstruction or interference with an election officer in the discharge of the officer's duty, a violation of IC 3-14-3-4.

(d) The county election board, by unanimous vote of the board's entire membership, may authorize an absentee voter board to visit a voter who is confined due to illness or injury and will be outside of the county on election day in accordance with the procedures set forth in subsection (b).

(e) ~~This subsection applies after December 31, 2005.~~ As provided by 42 U.S.C. 15481, a voter casting an absentee ballot under this section must be:

- (1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;
- (2) provided with the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and
- (3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

(f) ~~This subsection applies after December 31, 2005.~~ As provided by 42 U.S.C. 15481, when an absentee ballot is provided under this section, the board must also provide the voter with:

- (1) information concerning the effect of casting multiple votes for an office; and
- (2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

(g) This subsection applies to a voter who applies to vote an absentee ballot by mail. The county election board shall include a copy of the Absentee Voter's Bill of Rights with any absentee ballot mailed to the voter.

SECTION 109. IC 3-11-10-26, AS AMENDED BY P.L.103-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 26. (a) As an alternative to voting by mail, a voter is entitled to cast an absentee ballot before an absentee voter board:

- (1) in the office of the circuit court clerk (or board of elections and registration in a county subject to IC 3-6-5.2); or
- (2) at a satellite office established under section 26.3 of this chapter.

(b) The voter must:

- (1) sign an application on the form prescribed by the commission

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under IC 3-11-4-5.1; and

(2) provide proof of identification;

before being permitted to vote. The application must be received by the circuit court clerk not later than the time prescribed by IC 3-11-4-3.

(c) The voter may vote before the board not more than twenty-nine (29) days nor later than noon on the day before election day.

(d) An absent uniformed services voter who is eligible to vote by absentee ballot in the circuit court clerk's office under IC 3-7-36-14 may vote before the board not earlier than twenty-nine (29) days before the election and not later than noon on election day. If a voter described by this subsection wishes to cast an absentee ballot during the period beginning at noon on the day before election day and ending at noon on election day, the county election board or absentee voter board may receive and process the ballot at a location designated by resolution of the county election board.

(e) The absentee voter board in the office of the circuit court clerk must permit voters to cast absentee ballots under this section for at least seven (7) hours on each of the two (2) Saturdays preceding election day.

(f) Notwithstanding subsection (e), in a county with a population of less than twenty thousand (20,000), the absentee voter board in the office of the circuit court clerk, with the approval of the county election board, may reduce the number of hours available to cast absentee ballots under this section to a minimum of four (4) hours on each of the two (2) Saturdays preceding election day.

(g) ~~This subsection applies after December 31, 2005.~~ As provided by 42 U.S.C. 15481, a voter casting an absentee ballot under this section must be:

(1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;

(2) provided with the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and

(3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

(h) As provided by 42 U.S.C. 15481, when an absentee ballot is provided under this section, the board must also provide the voter with:

(1) information concerning the effect of casting multiple votes for an office; and

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(2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

(i) If:

- (1) the voter is unable or declines to present the proof of identification; or
- (2) a member of the board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

the voter shall be permitted to cast an absentee ballot and the voter's absentee ballot shall be treated as a provisional ballot.

SECTION 110. IC 3-11-11-1.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.2. ~~(a) This section applies after December 31, 2005.~~

~~(b)~~ As required by 42 U.S.C. 15481, an election board must establish a voter education program to notify a voter of the effect of casting multiple votes for a single office on a paper ballot.

SECTION 111. IC 3-11-11-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) After a voter has signed the poll list, one (1) of the poll clerks or assistant poll clerks shall deliver to the voter one (1) of each ballot that the voter is entitled to vote at the election and one (1) pencil or pen. Both judges, on request, shall give an explanation of the voting method. If necessary, a precinct election officer shall assist a voter in determining if the proper initials appear on a ballot.

~~(b) This subsection applies after December 31, 2005.~~ As provided by 42 U.S.C. 15481, when a voter receives a paper ballot under this section, the board must also provide the voter with:

- (1) information concerning the effect of casting multiple votes for an office; and
- (2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

SECTION 112. IC 3-11-11-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) A voter shall mark all ballots while screened from observation. The exterior of a voting booth or compartment and each area of the polls must be in plain view of the precinct election board. Each voting booth or compartment shall be placed so that a person voting on the opposite side of the railing or a person on the outside of the polls cannot see or determine how a voter votes. The inspector, judges, and poll clerks may not remain or allow any other person to remain in a position or near a position that would permit them to see or ascertain how a voter votes.

~~(b) This subsection applies after December 31, 2005.~~ As provided

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by 42 U.S.C. 15481, a voter casting a paper ballot under this section must be:

- (1) permitted to verify in a private and ~~an~~ independent manner the votes selected by the voter before the ballot is cast and counted;
- (2) provided with the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and
- (3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

SECTION 113. IC 3-11-13-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.5. ~~(a) This section applies after December 31, 2005.~~

~~(b)~~ As required by 42 U.S.C. 15481, an election board must establish a voter education program to notify a voter of the effect of casting multiple ballots for a single office on an optical scan ballot card tabulated at a central location.

SECTION 114. IC 3-11-13-11, AS AMENDED BY P.L.58-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) The ballot information, whether placed on the ballot card or on the marking device, must be in the order of arrangement provided for ballots under this section.

(b) Each county election board shall have the names of all candidates for all elected offices, political party offices, and public questions printed on a ballot card as provided in this chapter. The county may:

- (1) print all offices and questions on a single ballot card; and
- (2) include a ballot variation code to ensure that the proper version of a ballot is used within a precinct.

(c) Each type of ballot card must be of uniform size and of the same quality and color of paper (except as permitted under IC 3-10-1-17).

(d) The nominees of a political party or an independent candidate or independent ticket (described in IC 3-11-2-6) nominated by petitioners shall be listed on the ballot with the name and device set forth on the certification or petition. The circle containing the device may be of any size that permits a voter to readily identify the device. IC 3-11-2-5 applies if the certification or petition does not include a name or device, or if the same device is selected by two (2) or more parties or petitioners.

(e) The offices on the general election ballot must be placed on the

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ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.2, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a), IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and IC 3-11-2-14(d). The offices and public questions may be listed in a continuous column either vertically or horizontally and on a number of separate pages. However, school board offices, public questions concerning the retention of a justice or judge, local nonpartisan judicial offices, and local public questions must be placed at the beginning of separate columns.

(f) The name of each office must be printed in a uniform size in bold type. A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office."

(g) Below the name of the office and the statement required by subsection (f), the names of the candidates for each office must be grouped together in the following order:

- (1) The major political party whose candidate received the highest number of votes in the county for secretary of state at the last election is listed first.
- (2) The major political party whose candidate received the second highest number of votes in the county for secretary of state is listed second.
- (3) All other political parties listed in the order that the parties' candidates for secretary of state finished in the last election are listed after the party listed in subdivision (2).
- (4) If a political party did not have a candidate for secretary of state in the last election or a nominee is an independent candidate or independent ticket (described in IC 3-11-2-6), the party or candidate is listed after the parties described in subdivisions (1), (2), and (3).
- (5) If more than one (1) political party or independent candidate or ticket described in subdivision (4) qualifies to be on the ballot, the parties, candidates, or tickets are listed in the order in which the party filed its petition of nomination under IC 3-8-6-12.
- (6) A space for write-in voting is placed after the candidates listed in subdivisions (1) through (5), if required by law.
- (7) The name of a write-in candidate may not be listed on the ballot.

(h) The names of the candidates grouped in the order established by subsection (g) must be printed in type with uniform capital letters and have a uniform space between each name. The name of the candidate's

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political party, or the word "Independent" if the:

- (1) candidate; or
- (2) ticket of candidates for:
 - (A) President and Vice President of the United States; or
 - (B) governor and lieutenant governor;

is independent, must be placed immediately below or beside the name of the candidate and must be printed in a uniform size and type.

(i) All the candidates of the same political party for election to at-large seats on the fiscal or legislative body of a political subdivision must be grouped together:

- (1) under the name of the office that the candidates are seeking;
- (2) in the order established by subsection (g); and
- (3) within the political party, in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) of ANY party for this office."

(j) Candidates for election to at-large seats on the governing body of a school corporation must be grouped:

- (1) under the name of the office that the candidates are seeking; and
- (2) in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office."

(k) The following information must be placed at the top of the ballot before the first office is listed:

- (1) The cautionary statement described in IC 3-11-2-7.
- (2) The instructions described in IC 3-11-2-8, IC 3-11-2-10(c), and IC 3-11-2-10(d).

(l) The ballot must include a single connectable arrow, circle, oval, or square, or a voting position for voting a straight party or an independent ticket (described in IC 3-11-2-6) by one (1) mark as required by section 14 of this chapter, and the single connectable arrow, circle, oval, or square, or the voting position for casting a straight party or an independent ticket ballot must be identified by:

- (1) the name of the political party or independent ticket (described in IC 3-11-2-6); and
- (2) immediately below or beside the political party's or independent ticket's name, the device of that party or ticket

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(described in IC 3-11-2-5).

The name and device of each political party or independent ticket must be of uniform size and type and arranged in the order established by subsection (g) for listing candidates under each office. The instructions described in IC 3-11-2-10(b) for voting a straight party ticket and the statement concerning presidential electors required under IC 3-10-4-3 may be placed on the ballot beside or above the names and devices within the voting booth in a location that permits the voter to easily read the instructions.

(m) A public question must be in the form described in IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a single connectable arrow, a circle, or an oval may be used instead of a square. Except as expressly authorized or required by statute, a county election board may not print a ballot card that contains language concerning the public question other than the language authorized by a statute.

(n) The requirements in this section:

- (1) do not replace; and
- (2) are in addition to;

any other requirements in this title that apply to optical scan ballots.

(o) The procedure described in IC 3-11-2-16 must be used when a ballot does not comply with the requirements imposed by this title or contains another error or omission that might result in confusion or mistakes by voters.

(p) This subsection applies to an optical scan ballot that does not list:

- (1) the names of political parties or candidates; or
- (2) the text of public questions;

on the face of the ballot. The ballot must be prepared in accordance with this section, except that the ballot must include a numbered circle or oval to refer to each political party, candidate, or public question.

~~(q) This subsection:~~

- ~~(1) applies to a punch card ballot voting system; and~~
- ~~(2) expires December 31, 2005.~~

~~Except as otherwise provided in this chapter, a punch card ballot must include a numbered box and chad in the locations and in the layout specified by this section for connectable arrows, circles, ovals, or squares.~~

SECTION 115. IC 3-11-13-28.5, AS AMENDED BY P.L.221-2005, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 28.5. (a) Unless challenged, a voter may proceed to vote.

(b) As each successive voter calls for a ballot, the poll clerks shall

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deliver to the voter the first initialed ballot of each type. The inspector shall then deliver to the poll clerks another ballot of each type, which the clerks shall initial as before.

(c) This subsection applies ~~after December 31, 2005~~, to an optical scan ballot card ballot tabulated at a central location. As provided by 42 U.S.C. 15481, when a voter receives an optical scan ballot card ballot, the board must also provide the voter with:

- (1) information concerning the effect of casting multiple votes for an office; and
- (2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

SECTION 116. IC 3-11-13-29, AS AMENDED BY P.L.221-2005, SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 29. (a) In addition to the instructions printed on the ballot card or ballot labels, instructions to voters shall be posted in each voting booth or placed on the marking device. Each voter shall be instructed by both judges, on request, on how to operate the voting device before the voter enters the voting booth.

(b) The instructions posted in the voting booth or placed on the marking device must state the following:

- (1) That the voter should examine the ballot card to determine if it contains the initials of the poll clerks in ink on the back of the card.
- (2) That the voter should not make an unnecessary mark on the ballot card because the mark may void the card.
- (3) That the voter should examine the ballot card to determine if the card has any mark (other than the initials of the poll clerks) before voting.
- (4) That the voter should return the ballot card to the poll clerks and request another ballot card if:
 - (A) the poll clerks' initials have not been properly placed on the card;
 - (B) the card has a mark (other than the initials of the poll clerks) before the voter places a voting mark on the ballot; or
 - (C) the voter has improperly marked the card.
- (5) That the voter should examine the ballot card after voting to determine that all marks made on the card to indicate the voter's selections have been completely marked.

(c) ~~This subsection applies after December 31, 2005~~. As provided by 42 U.S.C. 15481, a voter casting an optical scan ballot card under this section must be:

- (1) permitted to verify in a private and ~~an~~ independent manner the

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votes selected by the voter before the ballot is cast and counted;
 (2) provided the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and

(3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

SECTION 117. IC 3-11-14-23, AS AMENDED BY P.L.58-2005, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 23. (a) This section is enacted to comply with 42 U.S.C. 15481 by establishing uniform and nondiscriminatory standards to define what constitutes a vote on an electronic voting system.

(b) If a voter is not challenged by a member of the precinct election board, the voter may pass the railing to the side where an electronic voting system is and into the voting booth. There the voter shall register the voter's vote in secret by indicating:

(1) the candidates for whom the voter desires to vote by touching a device on or in the squares immediately above the candidates' names;

(2) if the voter intends to cast a write-in vote, a write-in vote by touching a device on or in the square immediately below the candidates' names and printing the name of the candidate in the window provided for write-in voting; and

(3) the voter's preference on each public question by touching a device above the word "yes" or "no" under the question.

(c) If an election is a general or municipal election and a voter desires to vote for all the candidates of one (1) political party or group of petitioners, the voter may cast a straight party ticket by touching that party's device. The voter's vote shall then be counted for all the candidates under that name. However, if the voter casts a vote by touching the circle of an independent ticket comprised of two (2) candidates, the vote shall not be counted for any other independent candidate on the ballot.

(d) ~~After December 31, 2005,~~ As provided by 42 U.S.C. 15481, a voter casting a ballot on an electronic voting system must be:

(1) permitted to verify in a private and ~~an~~ independent manner the votes selected by the voter before the ballot is cast and counted;

(2) provided the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement

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ballot if the voter is otherwise unable to change or correct the ballot; and

(3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

SECTION 118. IC 3-11-15-13.3, AS AMENDED BY P.L.221-2005, SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13.3. ~~(a) This section applies after December 31, 2005.~~

~~(b)~~ **(a)** To be approved by the commission for use in Indiana, a voting system must meet the Voting System Standards adopted by the Federal Election Commission on April 30, 2002.

~~(c)~~ **(b)** A county may continue to use an optical scan ballot card voting system or an electronic voting system whose approval or certification expired on or before October 1, 2005, if the voting system:

(1) was:

(A) approved by the commission for use in elections in Indiana before ~~July 1, 2003~~; **October 1, 2005**; and

(B) purchased by the county before ~~July 1, 2003~~; **October 1, 2005**; and

(2) otherwise complies with the applicable provisions of HAVA and this article.

However, a voting system vendor may not market, sell, lease, or install a voting system described in this subsection.

~~(d)~~ **(c)** As provided by 42 U.S.C. 15481, to be used in an election in Indiana, a voting system must be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters.

~~(e)~~ **(d)** As provided by 42 U.S.C. 15481, an election board conducting an election satisfies the requirements of subsection ~~(d)~~ **(c)** if the election board provides at least one (1) electronic voting system or other voting system equipped for individuals with disabilities at each polling place.

~~(f)~~ **(e)** If a voter who is otherwise qualified to cast a ballot in a precinct chooses to cast the voter's ballot on the voting system provided under subsection ~~(e)~~ **(d)**, the voter must be allowed to cast the voter's ballot on that voting system, whether or not the voter is an individual with disabilities.

SECTION 119. IC 3-11-18 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE

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UPON PASSAGE]:

Chapter 18. Vote Centers

Sec. 1. This chapter applies to a county designated as a vote center pilot county under this chapter.

Sec. 2. The secretary of state may designate a county as a vote center pilot county under this chapter.

Sec. 3. (a) For a county to be designated a vote center pilot county:

- (1) the county election board (or board of elections and registration established under IC 3-6-5.2 or IC 3-6-5.4), by unanimous vote of the entire membership of the board, must approve the filing of an application to be designated a vote center pilot county;
- (2) all members of the board must sign the application; and
- (3) the application must be filed with the secretary of state.

(b) The application must include:

- (1) a resolution adopted by the county executive; and
- (2) a resolution adopted by the county fiscal body;

approving the submission of the application.

Sec. 4. The application must include a plan for the administration of vote centers in the county. The plan must include at least the following:

- (1) The total number of vote centers to be established.
- (2) The location of each vote center, and the municipality, if any, in which the vote center is located.
- (3) A list of each municipality within the county that is entitled to conduct a municipal primary or municipal election, as of the date of the application.
- (4) The total number of voters within each municipality, as of the date of the application, and the number of those voters within each municipality designated as "active" and "inactive" according to the county voter registration office.
- (5) For each vote center designated under subdivision (2), a list of the precincts whose polls will be located at the vote center.
- (6) For each vote center designated under subdivision (2), the number of precinct election boards that will be appointed to administer an election at the vote center.
- (7) For each precinct election board designated under subdivision (6), the number and name of each precinct the precinct election board will administer.
- (8) For each vote center designated under subdivision (2), the

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number and title of the precinct election officers who will be appointed to serve at the vote center.

(9) For each vote center designated under subdivision (2):

(A) the number and type of ballot variations that will be provided at the vote center; and

(B) whether these ballots will be:

(i) delivered to the vote center before the opening of the polls; or

(ii) printed on demand for a voter's use.

(10) A detailed description of any hardware, firmware, or software used:

(A) to create an electronic poll list for each precinct whose polls are to be located at a vote center; or

(B) to establish a secure electronic connection between the county election board and the precinct election officials administering a vote center.

(11) A description of the equipment and procedures to be used to ensure that information concerning a voter entered into any electronic poll list used by precinct election officers at a vote center is immediately accessible to:

(A) the county election board; and

(B) the electronic poll lists used by precinct election officers at all other vote centers in the county.

(12) For each precinct designated under subdivision (5), the number of electronic poll lists to be provided for the precinct.

(13) The security and contingency plans to be implemented by the county to:

(A) prevent a disruption of the vote center process; and

(B) ensure that the election is properly conducted if a disruption occurs.

(14) A certification that the vote center complies with the accessibility requirements applicable to polling places under IC 3-11-8.

(15) A sketch depicting the planned layout of the vote center, indicating the location of:

(A) equipment; and

(B) precinct election officers;

within the vote center.

(16) The total number of vote centers to be established at satellite offices that are established under IC 3-11-10-26.3 to allow voters to cast absentee ballots in accordance with IC 3-11.

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Sec. 5. (a) Except for a municipality described in subsection (b), a plan must provide a vote center for use by voters residing in each municipality within the county conducting a municipal primary or a municipal election.

(b) A vote center may not be used in a municipal primary or municipal election conducted within a municipality that is partially located in a county that has not been designated a vote center pilot county.

Sec. 6. When the total number of voters designated under section 4(4) of this chapter as "active" equals at least twenty-five thousand (25,000) in the municipalities listed in the plan, the following apply:

- (1)** The plan must provide for at least one (1) vote center for each ten thousand (10,000) active voters.
- (2)** In addition to the vote centers designated in subdivision (1), the plan must provide for a vote center for any fraction of ten thousand (10,000) voters.

Sec. 7. Before approving an application to designate a county as a vote center pilot county under this chapter, the secretary of state must determine the following:

- (1)** That the secure electronic connection as described under section 4(10)(B) of this chapter is sufficient to prevent:
 - (A)** any voter from voting more than once; and
 - (B)** unauthorized access by any person to:
 - (i)** the electronic poll lists for a precinct whose polls are to be located at the vote center; or
 - (ii)** the computerized list of voters of the county.
- (2)** That the planned design and location of the equipment and precinct officers will provide the most efficient access for:
 - (A)** voters to enter the polls, cast their ballots, and leave the vote center; and
 - (B)** precinct election officials, watchers, challengers, and pollbook holders to exercise their rights and perform their duties within the vote center.

Sec. 8. The designation of a county as a vote center pilot county takes effect immediately unless otherwise specified by the secretary of state.

Sec. 9. The county executive shall publish notice of the location of each vote center in accordance with IC 3-11-8-3.2.

Sec. 10. (a) An order issued by a county to:

- (1)** designate the polls for a precinct or to locate the polls for a precinct at the polls for an adjoining precinct under IC 3-10

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or IC 3-11; or

(2) omit precinct election officers under IC 3-6-6-38 at a specified precinct;

is suspended during the period that the voters of that precinct are entitled to cast a ballot at a vote center.

(b) An order suspended under subsection (a) is revived and in full force and effect without further action by a county when the voters of that precinct are no longer entitled to cast a ballot at a vote center under this chapter.

Sec. 11. Except as otherwise provided by this chapter, the county shall administer an election conducted at a vote center in accordance with federal law, this title, and the plan submitted with the application under section 4 of this chapter.

Sec. 12. Notwithstanding any other law, a voter who resides in a vote center pilot county is entitled to cast an absentee ballot at a vote center located at a satellite office of the county election board established under IC 3-11-10-26.3 in the same manner and subject to the same restrictions applicable to a voter wishing to cast an absentee ballot before an absentee board located in the office of the circuit court clerk or board of elections and registration.

Sec. 13. Notwithstanding any other law, the electronic poll list used at each vote center:

(1) must be capable of capturing an electronic image of the signature of a voter on the list; and

(2) may be in a format approved by the secretary of state.

Sec. 14. Notwithstanding any other law, including IC 3-11-8-2 and IC 3-14-2-11, a voter who resides in a vote center pilot county is entitled to cast a ballot at any vote center established in the county without regard to the precinct in which the voter resides.

Sec. 15. (a) In addition to the precinct election officers appointed under IC 3-6-6, a county election board by the unanimous vote of the entire membership may appoint one (1) or more greeters to:

(1) direct voters entering the vote center to the appropriate location for the voters to sign the electronic poll list; and

(2) provide other instructions to facilitate the efficient movement of individuals within the vote center.

(b) An individual appointed as a greeter under this section must bear credentials issued by the county election board stating the name of the individual and the individual's status as a greeter.

Sec. 16. The precinct election board administering an election at a vote center shall keep the ballots cast in each precinct separate from the ballots cast in any other precinct whose election is

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administered at the vote center, so that the votes cast for each candidate and on each public question in each of the precincts administered by the board may be determined.

Sec. 17. (a) The secretary of state may permit a county to amend a plan submitted under section 4 of this chapter.

(b) For a county to amend its plan:

- (1)** the county election board (or board of elections and registration established under IC 3-6-5.2 or IC 3-6-5.4), by unanimous vote of the entire membership of the board, must approve the filing of a request to amend the plan;
- (2)** all members of the board must sign the request; and
- (3)** the request must be filed with the secretary of state.

(c) The request for amendment must set forth the specific amendments proposed to be made to the plan.

Sec. 18. The designation of a county as a vote center pilot county may be revoked by the secretary of state:

- (1)** following the filing of a request for revocation approved by the unanimous vote of the entire membership of the county election board (or board of elections and registration established under IC 3-6-5.2 or IC 3-6-5.4) and signed by all members of the board; or
- (2)** upon a determination by the secretary of state that the administration of the vote center pilot program within the county does not comply with:
 - (A)** federal or state law; or
 - (B)** the plan submitted under section 4 of this chapter.

Sec. 19. Notwithstanding IC 4-22-2, the secretary of state may adopt guidelines to administer the pilot program under this chapter.

Sec. 20. This chapter expires December 31, 2009.

SECTION 120. IC 3-11.5-4-16, AS AMENDED BY P.L.109-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) If an absentee ballot is challenged under section 15 of this chapter, the absentee voter's application for an absentee ballot shall be considered as the affidavit required to be made by a voter when challenged at the polls while voting in person.

(b) Except as provided in subsection (c), the challenge procedure under this section is the same as though the ballot was cast by the voter in person.

(c) An absentee voter is not required to provide proof of identification.

(d) If a proper affidavit by a qualified person in the form required by

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~~IC 3-11-8-22~~ **IC 3-11-8-22.1** is made that would entitle the absentee voter to vote if the absentee voter had personally appeared, the couriers shall return the affidavit to the county election board in the same envelope as the certificate returned under section 9 of this chapter.

(e) The absentee ballot cast by the challenged voter shall be counted if the county election board makes the findings required under section 11 of this chapter.

SECTION 121. IC 3-11.7-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) As provided by 42 U.S.C. 15482, this section applies to the following individuals:

(1) An individual:

- (A) whose name does not appear on the registration list; and
- (B) who is **not permitted to vote challenged under IC 3-10-1 or IC 3-11-8 after the voter makes an oral or a written affirmation under IC 3-7-48-5 or IC 3-7-48-7 or after the voter produces a certificate of error under IC 3-7-48-1.**
~~IC 3-7-48-5; IC 3-7-48-7; IC 3-10-10; IC 3-10-11-2; or IC 3-10-12.~~

(2) An individual described by IC 3-10-1-10.5, IC 3-11-8-23.5, or IC 3-11-8-27.5 who is challenged as not eligible to vote.

(3) An individual who seeks to vote in an election as a result of a court order (or any other order) extending the time established for closing the polls under IC 3-11-8-8.

(b) ~~This subsection applies after December 31, 2003.~~ As required by 42 U.S.C. 15483, a voter who has registered to vote but has not:

- (1) presented identification required under 42 U.S.C. 15483 to the poll clerk before voting in person under ~~IC 3-11-8-25; IC 3-11-8-25.1~~; or
- (2) filed a copy of the identification required under 42 U.S.C. 15483 to the county voter registration office before the voter's absentee ballot is cast;

is entitled to vote a provisional ballot under this article.

(c) A precinct election officer shall inform an individual described by subsection (a)(1) or (a)(2) that the individual may cast a provisional ballot if the individual:

- (1) is eligible to vote under IC 3-7-13-1;
- (2) submitted a voter registration application during the registration period described by IC 3-7-13-10 (or IC 3-7-36-11, if the voter registered under that section); and
- (3) executes an affidavit described in IC 3-10-1-9 or IC 3-11-8-23.

(d) A precinct election officer shall inform an individual described by subsection (a)(3) that the individual may cast a provisional ballot.

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SECTION 122. IC 3-11.7-5-1, AS AMENDED BY P.L.221-2005, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) After the close of the polls, provisional ballots shall be counted as provided in this chapter.

(b) Notwithstanding IC 3-5-4-1.5 and any legal holiday observed under IC 1-1-9, all provisional ballots must be counted by not later than noon ~~on the second Monday~~ **ten (10) days** following the election.

SECTION 123. IC 3-11.7-5-1.5, AS ADDED BY P.L.221-2005, SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.5. (a) ~~This section~~ **Subsection (c)** applies to a provisional ballot that **the county election board determines, by a majority vote of its members and in accordance with this title:**

(1) has been marked and cast by a voter in compliance with this title; but

(2) may not otherwise be counted solely as the result of the act or failure to act of an election officer.

(b) Subsection (c) does not apply to either of the following:

(1) A provisional ballot cast by an individual who seeks to vote in an election as the result of a court or other order extending the time established for closing the polls under IC 3-11-8-8 if the county election board determines or is directed under a court or other order that all provisional ballots issued after regular poll closing hours are not to be counted.

(2) A provisional ballot that is required to be rejected by a county election board under section 2(b) of this chapter as the result of information or lack of information provided by a voter registration agency.

~~(b)~~ **(c) The sealed envelope containing** a provisional ballot described in subsection (a) shall nevertheless be **opened under section 4 of this chapter and the provisional ballot** counted unless evidence of fraud, tampering, or misconduct affecting the integrity of the ballot is demonstrated. The act or failure to act by an election officer is not by itself evidence of fraud, tampering, or misconduct affecting the integrity of the ballot.

~~(c)~~ **(d)** Notwithstanding subsection ~~(b)~~, **(c)**, if the county election board, by a majority vote of its members, determines that there is ~~a~~ **evidence presented to the board demonstrating that the individual who cast the provisional ballot was ineligible to cast a regular ballot in that precinct, or evidence has been presented to the board demonstrating any other reason set forth in HAVA or this title** not to count a provisional ballot, the provisional ballot may not be counted.

(e) This subsection applies to a provisional ballot cast by a voter

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after the voter was challenged solely because the voter was unable or declined to provide proof of identification and not for any other reason. If the voter later complies with the requirements of this title for proof of identification, the provisional ballot cast by the voter shall be counted in accordance with sections 2 and 2.5 of this chapter.

(f) This subsection applies to a provisional ballot cast by a voter after the voter was challenged for any reason except the voter's inability or declination to provide proof of identification. If the only evidence before the county election board on the question of counting of the provisional ballot cast by the voter is:

- (1) the affidavit of the voter who cast the provisional ballot; and
- (2) the affidavit of a challenger challenging the voter who cast the provisional ballot;

the provisional ballot shall be counted.

SECTION 124. IC 3-12-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 7. (a) ~~If This subsection applies whenever~~ a voter:

- (1) votes a straight party ticket; and ~~also~~
- (2) votes **only** for one (1) or more individual candidates who are all of the same political party as the straight ticket vote.

The straight ticket vote shall be counted and the individual candidate votes may not be counted.

(b) ~~The vote for an office on a ballot shall be counted in accordance with~~ This subsection **applies** whenever:

- (1) a voter has voted a straight party ticket for the candidates of one (1) political party;
- (2) only one (1) person may be elected to ~~that an~~ office; and
- (3) the voter has voted for one (1) ~~or more~~ individual ~~candidates~~ **candidate** for the office described in subdivision (2) who ~~are in~~ **is**:

(A) **a candidate of** a political party other than the party for which the voter voted a straight ticket; **or**

(B) **an independent candidate for the office.**

If the voter has voted for one (1) individual candidate for the office described in subdivision (2), the individual candidate vote for that office shall be counted, the straight party ticket vote for that office may not be counted, and the straight party ticket votes for other offices on the ballot shall be counted. ~~If~~

(c) **This subsection applies whenever:**

- (1) **a voter has voted a straight party ticket for the candidates**

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of one (1) political party; and

(2) the voter has voted for more than one (1) individual candidate candidates for the office described in subdivision (2); than the number of persons to be elected to that office.

The individual candidate votes for that office may not be counted, the straight party ticket vote for that office may not be counted, and the straight party ticket votes for other offices on the ballot shall be counted.

(c) If there is an office to which more than one (1) person can be elected, and a voter votes a straight party ticket and then votes both for individual candidates in the same political party as the straight ticket vote and in a different party for that office; or votes for only individuals in a different party for that office; the individual candidate votes shall be counted and the straight ticket votes for that office may not be counted. However, if the number of individual candidate votes for that office exceeds the number of openings for that office; none of the votes concerning that office may be counted.

(d) This subsection applies whenever:

(1) a voter has voted a straight party ticket for the candidates of one (1) political party;

(2) more than one (1) person may be elected to an office; and

(3) the voter has voted for individual candidates for the office described in subdivision (2) who are:

(A) independent candidates;

(B) candidates of a political party other than the political party for which the voter cast a straight party ticket under subdivision (1); or

(C) a combination of candidates described in clauses (A) and (B).

The individual votes cast by the voter for the office for the independent candidates and the candidates of a political party other than the political party for which the voter cast a straight party ticket shall be counted. The straight party ticket vote cast by that voter for that office shall be counted unless the total number of votes cast for the office by the voter, when adding the voter's votes for the individual candidates for the office and the voter's straight party ticket votes for the office, is greater than the number of persons to be elected to the office. If the total number of votes cast for the office is greater than the number of persons to be elected to the office, the straight party ticket votes for the office may not be counted. The straight party ticket votes for other offices on the voter's ballot shall be counted.

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(e) This subsection applies whenever:

- (1) a voter has voted a straight party ticket for the candidates of one (1) political party;**
- (2) more than one (1) person may be elected to an office; and**
- (3) the voter has voted for individual candidates for the office described in subdivision (2) who are:**

(A) independent candidates or candidates of a political party other than the political party for which the voter cast a straight party ticket under subdivision (1); and

(B) candidates of the same political party for which the voter cast a straight party ticket under subdivision (1).

The individual votes cast by the voter for the office for the independent candidates and the candidates of a political party other than the political party for which the voter cast a straight party ticket shall be counted. The individual votes cast by the voter for the office for the candidates of the same political party for which the voter cast a straight party ticket may not be counted. The straight party ticket vote cast by that voter for that office shall be counted unless the total number of votes cast for the office by the voter, when adding the voter's votes for the individual candidates for the office and the voter's straight party ticket vote for the office is greater than the number of persons to be elected to the office. If the total number of votes cast for the office is greater than the number of persons to be elected to the office, the straight party ticket votes for that office may not be counted. The straight party ticket votes for other offices on the voter's ballot shall be counted.

~~(d)~~ (f) If a voter votes a straight party ticket for more than one (1) political party, the whole ballot is void with regard to all candidates nominated by a political party or designated as independent candidates on the ballot. However, the voter's vote for a school board candidate or on a public question shall be counted if otherwise valid under this chapter.

~~(e)~~ (g) If a voter does not vote a straight party ticket and the number of votes cast by that voter for the candidates for an office are less than or equal to the number of openings for that office, the individual candidates votes shall be counted.

~~(f)~~ (h) If a voter does not vote a straight party ticket and the number of votes cast by that voter for an office exceeds the number of openings for that office, none of the votes concerning that office may be counted.

SECTION 125. IC 3-12-1-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS

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[EFFECTIVE UPON PASSAGE]: **Sec. 17. (a) This section applies only to an absentee ballot sent by mail.**

(b) Notwithstanding IC 3-11-10-14 and IC 3-11.5-4-10, an absentee ballot received from an overseas voter is not considered as arriving too late if both of the following apply:

(1) The absentee ballot envelope is postmarked not later than the date of the election.

(2) The absentee ballot is received not later than the deadline for counting provisional ballots under IC 3-11.7-5-1.

(c) If the postmark on the absentee ballot envelope is unclear, the county election board, by unanimous vote of the entire membership of the board, determines the postmark date. If the board is unable to determine the postmark date, the absentee ballot may not be counted.

SECTION 126. IC 3-12-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. A candidate who is nominated or elected to an office at an election on the face of the election returns may file a verified cross-petition for a recount no later than noon ~~fourteen (14)~~ **twenty-one (21)** days after election day. If a petition for a recount is filed for an office for which voters in more than one (1) county vote, a cross-petition for a recount may be filed in a county other than the one in which the first petition was filed.

SECTION 127. IC 3-12-9-4, AS AMENDED BY P.L.230-2005, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The fiscal body of a political subdivision that receives notice under section 3 of this chapter shall resolve the tie vote by electing a person to fill the office not later than December 31 following the election (or not later than June 30 following the election of a school board member in May) at which the tie vote occurred. The fiscal body shall select one (1) of the candidates who was involved in the tie vote to fill the office.

(b) If a tie vote has occurred in an election for a circuit office in a circuit that contains more than one (1) county, the fiscal bodies of the counties shall meet in joint session at the county seat of the county that contains the greatest percentage of population of the circuit to select one (1) of the candidates who was involved in the tie vote in order to fill the office in accordance with this section.

(c) If a tie vote has occurred for the election of more than one (1) at-large seat on a legislative or fiscal body, the fiscal body shall select the number of individuals necessary to fill each of the at-large seats for which the tie vote occurred. However, a member of a fiscal body who runs for reelection and is involved in a tie vote may not cast a vote

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under this section.

(d) The executive of the political subdivision (other than a town or a school corporation) may cast the deciding vote to break a tie vote in a fiscal body acting under this section. The clerk-treasurer of the town may cast the deciding vote to break a tie vote in a town fiscal body acting under this section. A tie vote in the fiscal body of a school corporation under this section shall be broken under ~~IC 20-4-1-26.5 or IC 20-4-8-8~~. **IC 20-23.**

SECTION 128. IC 3-12-11-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. A candidate who is nominated or elected to an office at an election on the face of the election returns may file a verified cross-petition for a recount with the election division not later than noon ~~fourteen (14)~~ **twenty-one (21)** days after election day.

SECTION 129. IC 3-12-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. A voter who desires a recount under this chapter must file a verified petition no later than noon ~~seven (7)~~ **fourteen (14)** days after election day. The petition must be filed:

- (1) in the circuit court of each county in which is located a precinct in which the voter desires a recount; and
- (2) with the election division.

SECTION 130. IC 3-13-5-0.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 0.1. (a) This chapter applies only to a vacancy in a legislative office that was last held by a person elected or selected as a candidate of a major political party of the state.**

(b) A vacancy in a legislative office that was last held by a person elected or selected as a candidate of a political party described by IC 3-8-4-10 shall be filled by the state committee of the political party. The state chairman of the party shall certify the selection of an individual to fill the vacancy in the manner prescribed under section 6 of this chapter.

(c) A vacancy in a legislative office that was last held by a person not described in subsection (a) or (b) shall be filled by a special election held as provided in IC 3-10-8.

SECTION 131. IC 3-14-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. A person who knowingly, intentionally, or recklessly releases or removes any registration materials or ~~after December 31, 2005~~, information contained in the computerized list maintained under IC 3-7-26.3 from

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the county voter registration office, except when release or removal is necessary:

- (1) to comply with IC 3-7; or
- (2) for the destruction of the materials under IC 5-15-6;

commits a Class A misdemeanor.

SECTION 132. IC 3-14-3-16, AS AMENDED BY P.L.103-2005, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) As used in this section, "electioneering" includes expressing support or opposition to any candidate or political party or expressing approval or disapproval of any public question in any manner that could reasonably be expected to convey that support or opposition to another individual. The term does not include expressing

- (1) support or opposition to a candidate or a political party or
- (2) expressing approval or disapproval of a public question in:
 - (1) material mailed to a voter; or
 - (2) **a telephone or an electronic communication with a voter.**

(b) A person who knowingly does any electioneering:

- (1) on election day within:
 - (A) the polls; or
 - (B) the chute;
- (2) within an area in the office of the circuit court clerk or a satellite office of the circuit court clerk established under IC 3-11-10-26.3 used by an absentee voter board to permit an individual to cast an absentee ballot; or
- (3) except for a voter who is:
 - (A) the person's spouse;
 - (B) an incapacitated person (as defined in IC 29-3-1-7.5) for whom the person has been appointed the guardian (as defined in IC 29-3-1-6); or
 - (C) a member of the person's household;
 in the presence of a voter whom the person knows possesses an absentee ballot provided to the voter in accordance with Indiana law;

commits a Class A misdemeanor.

SECTION 133. IC 3-14-4-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.5. ~~(a) This subsection applies before January 1, 2006. A circuit court clerk, member of a board of registration, or county official, responsible for maintaining computerized voter registration information who recklessly fails to comply with IC 3-7-26 more than thirty (30) days after being required to perform a duty under IC 3-7-26 commits a Class B misdemeanor.~~

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~~(b) This subsection applies after December 31, 2005.~~ A circuit court clerk, a member of a board of registration, a county official, or another person responsible for maintaining computerized voter registration information who recklessly fails to comply with IC 3-7-26.3 more than thirty (30) days after being required to perform a duty under IC 3-7-26.3 commits a Class B misdemeanor.

SECTION 134. IC 3-14-5-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8. (a) As used in this section, "governmental entity" refers to any of the following:**

- (1) A city.**
- (2) A town.**
- (3) A school corporation.**
- (4) An agency of a governmental entity referred to in any of subdivisions (1) through (3).**

(b) As used in this section, "date of conviction" refers to the date when:

- (1) in a jury trial, a jury publicly announces a verdict against a person for a felony or Class A misdemeanor;**
- (2) in a bench trial, the court publicly announces a verdict against a person for a felony or Class A misdemeanor; or**
- (3) in a guilty plea hearing, a person pleads guilty or nolo contendere to a felony or Class A misdemeanor.**

(c) A person who is convicted under IC 3-14-2 of a felony or Class A misdemeanor that relates to an election for an office for a governmental entity shall not:

- (1) continue employment with;**
- (2) obtain future employment with;**
- (3) contract with; or**
- (4) be a subcontractor under a contract with;**

any governmental entity for at least twenty (20) years after the date of conviction.

(d) For at least twenty (20) years after the person's date of conviction, a governmental entity may not:

- (1) employ;**
- (2) offer employment to;**
- (3) contract with; or**
- (4) maintain a contractual relationship when a subcontractor is;**

a person who is convicted under IC 3-14-2 of a felony or Class A misdemeanor that relates to an election for an office for any governmental entity.

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(e) If:

- (1) a person was employed by a governmental entity;
 - (2) the person was convicted under IC 3-14-2 of a felony or Class A misdemeanor relating to an election for an office for a governmental entity;
 - (3) the person's employment with the governmental entity was discontinued under subsection (c) or (d); and
 - (4) the person's conviction is reversed, vacated, or set aside;
- the governmental entity shall reemploy the person in the same position the person held before the person's conviction or in another position equivalent in benefits, pay, and working conditions to the position the person held before the person's conviction, and the person is entitled to receive any salary or other remuneration that the person would have received if the person's employment had not been discontinued under subsection (c) or (d).

(f) The attorney general may petition a court with jurisdiction for an injunction against a person who violates subsection (c) or a governmental entity that violates subsection (d).

(g) The attorney general may petition a court with jurisdiction to impose a civil penalty of not more than one thousand dollars (\$1,000) on a person who violates subsection (c).

SECTION 135. IC 3-14-6-1.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.1. ~~(a) This section applies after December 31, 2005.~~

~~(b)~~ (a) A person who grants a request for voter registration information under IC 3-7-26.3 or IC 3-7-27 with knowledge that the information will be used in a manner prohibited by IC 3-7-26.3 or IC 3-7-27 commits a Class B infraction.

~~(c)~~ (b) A person who has previously received a judgment for committing an infraction under this section and knowingly, intentionally, or recklessly violates this section a second time commits a Class D felony.

SECTION 136. IC 3-14-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) This section does not apply to:

- (1) political activities; or
- (2) political fundraising activities.

(b) A person who uses voter registration information obtained under ~~IC 3-7-26, IC 3-7-26.3 (after December 31, 2005),~~ or IC 3-7-27 to solicit the sale of merchandise, goods, services, or subscriptions commits a Class B infraction.

(c) The court shall:

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- (1) keep a record; and
 - (2) send a copy of the record to the prosecuting attorney of the county in which the infraction proceeding was tried;
- of a judgment for an infraction proceeding tried under this section.

(d) A person who:

- (1) has previously received a judgment for committing an infraction under this section; and
- (2) knowingly or intentionally uses voter registration information in violation of this section;

commits a Class A misdemeanor.

SECTION 137. IC 9-24-2.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]:
Sec. 4. **(a)** As required under 42 U.S.C. 1973gg-3(e)(1), the manager or designated license branch employee shall transmit a copy of the completed voter registration portion of each application for a driver's license or an identification card for nondrivers issued under this article

~~(1) to the circuit court clerk or board of county voter registration office~~ of the county in which the individual's residential address (as indicated on the application) is located. ~~and~~

~~(2) not later than five (5) days after the application is accepted at the license branch.~~

(b) The voter registration application shall be transmitted to the county voter registration office in an electronic format and on an expedited basis (as defined by IC 3-5-2-23.2) using the computerized list established under IC 3-7-26.3. The paper copy of the application shall be transmitted under subsection (a) to the county voter registration office not later than five (5) days after the application is accepted at the license branch.

SECTION 138. IC 9-24-2.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]:
Sec. 6. A manager or an employee may use any of the following methods to transmit **paper copies of** voter registration applications under section 4 ~~or 5~~ of this chapter:

- (1) Hand delivery to the ~~circuit court clerk or board of county voter registration office~~.
- (2) Certified mail, return receipt requested.

SECTION 139. IC 9-24-2.5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]:
Sec. 7. If a manager or an employee transmits **paper copies of** registration applications by hand delivery under section 6(1) of this chapter, the ~~circuit court clerk or board of county voter registration office~~ shall provide the manager or employee with a receipt for the

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forms. The receipt must state the date and time of delivery, and the printed name and signature of the person who received the forms.

SECTION 140. IC 33-33-49-13, AS AMENDED BY HEA 1156-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) Each judge of the court shall be elected for a term of six (6) years that begins January 1 after the year of the judge's election and continues through December 31 in the sixth year. The judge shall hold office for the six (6) year term or until the judge's successor is elected and qualified. A candidate for judge shall run at large for the office of judge of the court and not as a candidate for judge of a particular room or division of the court.

(b) ~~Beginning with~~ **At** the primary election held in 2008 and every six (6) years thereafter, a political party may nominate not more than eight (8) candidates for judge of the court. ~~Beginning with~~ **At** the primary election held in 2006 and every six (6) years thereafter, a political party may nominate not more than ten (10) candidates for judge of the court. The candidates shall be voted on at the general election. Other candidates may qualify under IC 3-8-6 to be voted on at the general election.

(c) The names of the party candidates nominated and properly certified to the Marion County election board, along with the names of other candidates who have qualified, shall be placed on the ballot at the general election in the form prescribed by IC 3-11. ~~Beginning with~~ **At** the 2008 general election and every six (6) years thereafter, persons eligible to vote at the general election may vote for sixteen (16) candidates for judge of the court. Beginning with the 2006 general election and every six (6) years thereafter, persons eligible to vote at the general election may vote for twenty (20) candidates for judge of the court.

(d) The candidates for judge of the court receiving the highest number of votes shall be elected to the vacancies. The names of the candidates elected as judges of the court shall be certified to the county election board as provided by law.

SECTION 141. IC 33-35-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) During **2006 and** every fourth year after ~~1986~~, **that**, a second or third class city or a town may by ordinance establish or abolish a city or town court. An ordinance to establish a city or town court must be adopted not less than one (1) year before the judge's term would begin under section 3 of this chapter.

(b) The judge for a court established under subsection (a) shall be elected under IC 3-10-6 or IC 3-10-7 at the municipal election in

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November ~~1987~~ **2007** and every four (4) years thereafter.

(c) A court established under subsection (a) comes into existence on January 1 of the year following the year in which a judge is elected to serve in that court.

(d) A city or town court in existence on January 1, 1986, may continue in operation until it is abolished by ordinance.

(e) A city or town that establishes or abolishes a court under this section shall give notice of its action to the division of state court administration of the office of judicial administration under IC 33-24-6.

SECTION 142. IC 3-11-8-22 IS REPEALED [EFFECTIVE UPON PASSAGE].

SECTION 143. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2006]: IC 3-5-2-8.7; IC 3-7-12-28; IC 3-7-26; IC 3-7-26.3-1; IC 3-7-27-20; IC 3-7-27-21; IC 3-7-27-23; IC 3-7-33-2; IC 3-7-35-2; IC 3-7-35-3; IC 3-7-38.1; IC 3-7-40-2; IC 3-7-40-7; IC 3-7-45-2; IC 3-7-45-6; IC 3-7-46-4; IC 3-10-1-7; IC 3-10-1-24.5; IC 3-10-7-14; IC 3-11-2-2; IC 3-11-3-17; IC 3-11-3-18; IC 3-11-3-19; IC 3-11-3-21; IC 3-11-6.5-6.1; IC 3-11-8-25; IC 3-11-8-26; IC 3-11-15-13; IC 3-11.7-1-1; IC 3-14-6-1.

SECTION 144. THE FOLLOWING ARE REPEALED [EFFECTIVE JANUARY 1, 2007]: IC 3-11-7-7; 3-11-7-8; IC 3-11-7-9; IC 3-11-7-10; IC 3-11-7-11.

SECTION 145. [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)] (a) **The definitions in IC 3-5-2 apply throughout this SECTION.**

(b) **Notwithstanding IC 3-7 or IC 9-24-2.5, both as amended by this act, a county voter registration office shall process a voter registration application transmitted in electronic format from a license branch under IC 9-24-2.5 and is not required to receive the paper copy of the application from the license branch before approving or denying the application and mailing a notice of approval or denial to the applicant. The county voter registration office shall optically scan the voter's signature set forth on the paper copy of the application and attach the scanned image to the registration record of the voter in the manner permitted by the computerized list.**

(c) **This SECTION expires July 1, 2006.**

SECTION 146. [EFFECTIVE JULY 1, 2006] (a) **Notwithstanding IC 3-10-1-4.5, before its amendment by this act, the successors of the precinct committeemen of the Indiana Republican Party elected at the May 2006 primary election shall be elected at the May 2008 primary election.**

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SECTION 147. [EFFECTIVE UPON PASSAGE] (a) This SECTION applies to a proposed precinct establishment order issued after June 30, 2005.

(b) A proposed precinct establishment order complies with IC 3-11-1.5-15(4) if the order includes in substance either of the following statements:

(1) The polling place designated for the precinct complies with the polling place accessibility requirements under IC 3-11-8.

(2) That before April 1, 2006, the county will designate a new polling place that complies with the polling place accessibility requirements under IC 3-11-8.

(c) This SECTION expires July 1, 2006.

SECTION 148. [EFFECTIVE UPON PASSAGE] (a) The definitions set forth in IC 3-5-2 apply to this SECTION.

(b) The secretary of state may designate up to three (3) counties as vote center pilot counties under IC 3-11-18, as added by this act. If the designation of a county as a vote center pilot county is revoked in accordance with IC 3-11-18, as added by this act, the secretary of state may designate a replacement county as a vote center pilot county.

(c) A county must file with the secretary of state an application to be designated a vote center pilot county under IC 3-11-18, as added by this act, not later than August 1, 2006.

(d) The secretary of state shall act in accordance with IC 3-11-18, as added by this act, and this SECTION to designate a county as a vote center pilot county not later than October 1, 2006.

(e) This SECTION expires December 31, 2007.

SECTION 149. An emergency is declared for this act.

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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